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Title 3—THE PRESIDENT

Proclamation 3877

NATIONAL DAY OF PRAYER, 1968

By the President of the United States of America

A Proclamation

The twentieth century is rightly regarded as the era of science and technology. Scientific achievements and technological advances have radically altered the conditions of life for most men on our planet. Relations between men, and between man and his environment, have been permanently changed by events that began in the scientific laboratory.

As a result of this revolution in knowledge, it has become possible for all men to be adequately fed, clothed, and sheltered; for new energy resources to be committed to man's use; for information to be spread broadly and instantaneously to the remotest regions of the earth.

It has also become possible for man to destroy himself; for local aggression to be converted into global catastrophe; for mis-information and demagoguery to reach millions, and to shape their political destinies.

The scientific and technological revolution offers man unparalleled opportunities to liberate—or to enslave—his spirit. He can gain his freedom from physical want, and lose his identity in the prosperous streets of great cities. He can move his family to a healthier and more spacious environment, and lose the sense of community with his fellow men. He can free more hours for leisure activity, and find those hours empty and purposeless.

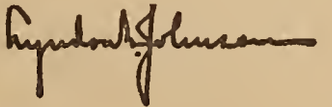
Thus his spirit lives in a state of crisis. In the midst of that crisis—as in days long ago, before "science and technology" were common words to his tongue—man cries out for meaning, for guidance, for assurance that his spirit is of value. In the midst of baffling change, he longs for enduring values. In the impersonal rush of his days, he seeks a sign that he is known, and accepted, as a unique person.

In this era of science and technology, we have set aside a day of prayer. Let us use it to thank God for the blessings of human industry and ingenuity, and to seek His strength, His love, and His guidance in the crisis of our spirit.

The Congress, by a joint resolution of April 17, 1952, provided that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals."

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby set aside Wednesday, October 16, 1968, as National Day of Prayer, 1968.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of October, in the year of our Lord nineteen hundred and sixty-eight, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 68-12538; Filed, Oct. 11, 1968; 2:46 p.m.]

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Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[22,162]

PART 563—OPERATIONS

Reports of Change in Control

OCTOBER 7, 1968.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 11043) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and for the purpose of implementing subsection (1) of section 407 of the National Housing Act (12 U.S.C. section 1730(1) as enacted by the Financial Institutions Supervisory Act of 1966, containing requirements for reports to the Federal Savings and Loan Insurance Corporation with respect to changes in control of institutions whose accounts are insured by such Corporation, hereby amends Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) by adding immediately after § 563.18, a new section, § 563.18–1, as set forth below, effective November 15, 1968, having determined, under paragraph (5) of subsection (1) of section 407 of the National Housing Act, as amended, that the reports required by paragraphs (a) through (e) of such new § 563.18–1 are appropriate for the protection of such Corporation:

§ 563.18–1 Reports of change in control; other reports; form and filing of such reports.

(a) *Reports of change in control*—(1) *When reports are required.* Reports are required under this paragraph (a) whenever any change occurs in the control (as defined in paragraph (b) of this section) of an insured institution and no report is required under such paragraph (b) of this section. Reports shall be made to the Corporation by the president or other chief executive officer of the institution involved within 15 days after he obtains knowledge of such change. If there is any doubt as to whether a change in control has occurred, such doubt shall be resolved in favor of reporting to the Corporation.

(2) *Contents of reports.* Reports of change in the control of an insured institution, as required under this paragraph (a), shall contain the following information to the extent that such information is known by the person making the report:

(i) The name or names of the person or persons who acquired such control;

(ii) The basis of such control; and

(iii) The date and a description of the transaction or transactions by which such control was acquired.

(b) *Reports of changes in voting stock or voting rights*—(1) *When reports are required.* Reports are required under this paragraph (b) whenever a change occurs in the outstanding voting stock or voting rights of an insured institution resulting in control or a change in the control of such institution. As used in this section, the term "control" means the power, directly or indirectly, to direct or cause the direction of the management or policies of the institution. Without any limitation on the foregoing, there shall be deemed to be a change resulting in control or a change in the control of an insured institution, so as to require the making of a report:

(i) Whenever any person, partnership, corporation, trust or group of associated persons acquires, receives, or becomes the holder of—

(*a*) Ten percent or more of the outstanding shares of any class of the voting stock of the institution or of the voting rights thereto; or

(*b*) Ten percent or more of the outstanding voting rights of the institution; or

(ii) whenever there is any appointment, designation or substitution of a holder or holders of 10 percent or more of the outstanding voting rights of the institution.

Reports shall be made to the Corporation by the president or other chief executive officer of the institution involved within 15 days after he obtains knowledge of such change. If there is any doubt as to whether such a change has resulted in control or a change in control, such doubt shall be resolved in favor of reporting to the Corporation.

(2) *Contents of reports*—(i) *General.* The reports required under this paragraph (b) shall contain the items of information set forth below to the extent that such information is known by the person making the report. In addition, such reports shall contain such other information as may be available to inform the Corporation of the effect of the transaction upon control of the institution.

(ii) *Reports of changes in voting stock or voting rights with respect to such stock.* Reports of changes in ownership of voting stock or holdings of voting rights with respect to such stock, resulting in control or a change in the control of an insured institution, shall contain the following information:

(*a*) The number of shares of each class of voting stock and the number of voting rights with respect thereto involved in the transaction;

(*b*) The names of the purchasers (or transferees) of such stock or such voting rights;

(*c*) The names of the sellers (or transferors) of such stock or voting rights;

(*d*) The amount of consideration received by the sellers (or transferors) in connection with the transaction;

(*e*) The names of the beneficial owners if the shares or voting rights are of record in another name or other names;

(*f*) The total number of shares of each class of voting stock owned by the sellers (or transferors), the purchasers (or transferees), and the beneficial owners both immediately before and after the transaction;

(*g*) The total number of shares of each class of voting stock outstanding both immediately before and after the transaction;

(*h*) The total number of voting rights (with respect to voting stock) held by the sellers (or transferors), the purchasers (or transferees), and the beneficial owners both immediately before and after the transaction;

(*i*) The total number of such voting rights outstanding both immediately before and after the transaction; and

(*j*) In the case of any appointment, designation, or substitution of a holder or holders of such voting rights, the name or names of the holder or holders both immediately before and after the transaction.

(iii) *Reports of changes in voting rights with respect to withdrawable accounts.* Reports of changes in holdings of voting rights with respect to withdrawable accounts, resulting in control or a change in the control of an insured institution, shall contain the following information:

(*a*) In the case of a transfer or transfers of such voting rights from one holder or group of holders to another holder or group of holders;

(*1*) The date of each such transfer; and

(*2*) The name or names of the acquiring holder or holders and of the transferor or transferors (unless such transferors are the original owners of the accounts to which such voting rights attach);

(*b*) In the case of any appointment, designation, or substitution of a holder or holders of voting rights, with respect to a holder or group of holders already having control:

(*1*) The date of such appointment, designation or substitution; and

(*2*) The names of each of the holders both immediately before and after such change; and

(*c*) In the case of any other acquisition of or change in control (without regard to the number of voting rights involved):

(*1*) The name or names of the person or persons acquiring such control;

(2) The basis of such control; and

(3) The date and a description of such acquisition or change.

(c) *Reports of change in chief executive officer or director*—(1) *When reports are required.* Reports are required under this paragraph (c) whenever a change resulting in control or a change in the control of an insured institution has occurred and the chief executive officer or any director of the institution has been changed or replaced concurrently with or within 60 days prior to or within the 12-month period next succeeding such change in control. Reports shall be made to the Corporation by the president or other chief executive officer of the institution within 15 days after the effective date of any such change or replacement of the chief executive officer or of a director, or within 15 days after the officer making the report obtains knowledge of any such change in control, whichever occurs last.

(2) *Contents of reports.* The reports required under this paragraph (c) shall set forth the name of the new chief executive officer or director and the date on which his appointment or election became effective and shall include a statement of his past and current business and professional affiliations.

(d) *Reports of solicitation of voting rights*—(1) *When reports are required.* Reports are required under this paragraph (d) whenever any person, partnership, corporation, trust, or group of associated persons—

(i) Solicits voting rights with respect to 10 percent or more of the outstanding shares of any class of voting stock of an insured institution;

(ii) Solicits 10 percent or more of the outstanding voting rights in an insured institution; or

(iii) Solicits any voting rights in an insured institution when such solicitor already holds either:

(*a*) Voting rights with respect to 10 percent or more of the outstanding shares of any class of the voting stock of such institution; or

(*b*) Ten percent or more of the outstanding voting rights in such institution.

Reports shall be made to the Corporation by the president or other chief executive officer of the institution involved within 15 days after he obtains knowledge of such solicitation. If there is any doubt as to whether such a solicitation has occurred, such doubt shall be resolved in favor of reporting to the Corporation.

(2) *Contents of reports*—(i) *General.* The reports required under this paragraph (d) shall contain the items of information set forth below to the extent that such information is known by the person making the report. In addition, such reports shall contain such other information as may be available to inform the Corporation of the possible impact of the solicitation upon control of the institution.

(ii) *Voting rights with respect to stock.* Reports of solicitation of voting rights with respect to any class of voting stock of an insured institution shall contain the following information:

(*a*) The name or names of the person or persons making the solicitation;

(*b*) The extent of such solicitation (including relevant dates) and the class or classes of such voting stock with respect to which the solicitation of voting rights is made;

(*c*) The number of shares of such class or classes of voting stock which the solicitor already owns and the total number of voting rights with respect thereto which he holds at the time of such solicitation; and

(*d*) The total number of shares of such class or classes of voting stock outstanding at the time of such solicitation.

(iii) *Voting rights with respect to withdrawable accounts.* Reports of solicitation of voting rights with respect to withdrawable accounts of an insured institution shall contain the following information:

(*a*) The name or names of the person or persons making the solicitation;

(*b*) The extent of such solicitation (including relevant dates); and

(*c*) The approximate percentage of the outstanding voting rights which the solicitor already holds at the time of such solicitation.

(e) *Reports of loans secured by voting stock*—(1) *When reports are required.* Reports are required under this paragraph (e) whenever an insured institution makes a loan or loans secured (or to be secured) by 25 percent or more of the voting stock of an insured institution, except in cases where the borrower has been the owner of record of the stock for a period of 1 year or more, or the stock is of a newly organized insured institution prior to its opening. Reports shall be made to the Corporation by the president or other chief executive officer of the lending institution within 15 days after he obtains knowledge of such loan or loans.

(2) *Contents of reports.* The reports required under this paragraph (e) shall contain the following information:

(i) The name of the borrower;

(ii) The date and amount of the loan;

(iii) The name of the insured institution which has issued or is to issue the stock securing the loan; and

(iv) The number of shares securing the loan.

(f) *Other reports.* The Corporation may also require insured institutions and individuals or other persons who have or have had any connection with the management of an insured institution, including any present or former officers, directors, or controlling stockholders, to provide such periodic or other reports or disclosures as the Corporation may determine to be necessary or appropriate for the protection of investors or the Corporation.

(g) *Form and filing of reports.* Unless otherwise specified by the Corporation, the reports provided for in this section shall be in letter form, shall be personally signed by the officer making the report, and shall be filed with the Corporation by transmitting the signed original and one copy to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, and one copy to the Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal home loan bank of the district in which the reporting institution is located or any other officer or employee of such bank designated by the Board as agent of the Corporation as provided by § 501.11 of the general regulations of the Federal Home Loan Bank Board (§ 501.11 of this chapter).

(h) *Penalty for failure to report.* For the willful failure of any institution or person to submit, within the time prescribed by the Corporation, any report or disclosure required under this section, such institution or person shall be subject to a civil penalty of not more than $500 (which penalty shall be cumulative to any other remedies) for each day that such failure continues, which penalty the Corporation may recover by suit or otherwise for its own use. The Corporation in its discretion may, at any time before collection of such penalty (whether before or after the bringing of any action or other legal proceedings, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor), compromise or remit in whole or in part any such penalty.

(i) *Definitions.* As used in this section—

(1) The term "stock" means any permanent or guaranty stock or other nonwithdrawable account, share, or equity security in an insured institution.

(2) The term "voting stock" means any stock which carries voting rights.

(3) The term "voting rights" means any proxies, consents, or authorizations which give the holder or holders the right to vote with respect to shares of voting stock, or with respect to withdrawable accounts, in an insured institution.

(Secs. 402, 407, 48 Stat. 1256, 1260, as amended; 12 U.S.C. 1725, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[F.R. Doc. 68-12501; Filed, Oct. 14, 1968; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1427]

PART 13—PROHIBITED TRADE PRACTICES

Berry's on Main, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:*

13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Berry's on Main, Inc., et al., Columbia, S.C., Docket C–1427, Sept. 16, 1968]

In the Matter of Berry's on Main, Inc., a Corporation, and Joe B. Berry, Individually and as an Officer of Said Corporation, and Roy B. Mitchell, Individually and as General Manager of Said Corporation

Consent order requiring a Columbia, S.C., retail furrier to cease misbranding, deceptively invoicing and falsely advertising its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Berry's on Main, Inc., a corporation, and its officers, and Joe B. Berry, individually and as an officer of said corporation, and Roy B. Mitchell, individually and as general manager of said corporation, and respondents' represenatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on a label under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on an invoice under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on an invoice the item number or mark assigned to such fur product.

C. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any such fur product, and which:

1. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondents' former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondents in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondents.

2. Falsely or deceptively represents that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

3. Falsely or deceptively represents that the price of any such fur product is reduced.

D. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 16, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 68–12474; Filed, Oct. 14, 1968; 8:46 a.m.]

[Docket No. C–1428]

PART 13—PROHIBITED TRADE PRACTICES

Blair Fashions, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act. Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Blair Fashions, Inc., et al., Chicago, Ill., Docket C–1428, Sept. 18, 1968]

In the Matter of Blair Fashions, Inc., a Corporation Trading as Fashion Hour, and Ronald L. Blair, Francis A. O'Neill, and Irving Schell, Individually and as Officers of Said Corporation

Consent order requiring a Chicago, Ill., manufacturer of ladies' foundation garments to cease misbranding, falsely advertising, and deceptively guaranteeing its textile fiber products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Blair Fashions, Inc., a corporation trading as fashion hour or any other name, and its officers, and Ronald L. Blair, Francis A. O'Neill, and Irving Schell, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported, in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a generic name of a fiber in advertising textile fiber products in such a manner as to be false, deceptive, or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of such fiber when such is not the case.

It is further ordered, That respondents Blair Fashions, Inc., a corporation trading as fashion hour or any other name, and its officers, and Ronald L. Blair, Francis A. O'Neill, and Irving Schell, individually and as officers of said corporation, and respondents representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commisison a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: September 18, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-12475; Filed, Oct. 14, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Eggs From Certain Labeling Requirements

In the matter of exempting fresh shell eggs from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 22, 1968 (33 F.R. 11902). Accordingly, the amendment (21 CFR 1.1c(a)(9)) promulgated by that order will become effective October 21, 1968.

Dated: October 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12512; Filed, Oct. 14, 1968; 8:49 a.m.]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Confirmation of Effective Date of Order Exempting Butter From Certain Labeling Requirements

In the matter of exempting packaged butter from certain labeling requirements of the regulations (21 CFR Part 1) for the enforcement of the Fair Packaging and Labeling Act:

Pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 24, 1968 (33 F.R. 12039). Accordingly, the amendment (21 CFR 1.1c(a)(10)) promulgated by that order will become effective October 23, 1968.

Dated: October 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12511; Filed, Oct. 14, 1968; 8:49 a.m.]

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

LIMITATIONS OF CERTIFICATES; FD&C VIOLET NO. 1—ALUMINUM LAKE

Investigations made by both the Food and Drug Administration and color additive manufacturers show there is a loss of pure color in aluminum lakes of FD&C Violet No. 1 with time. This loss is, in general, significant after 2 years storage. No batches tested have shown significant loss in the first 2 years after manufacture. The reason for the decrease in color content and the nature of the decomposition products are unknown. The Commissioner of Food and Drugs concludes that it is in the interest of the public health to require on certificates and labeling an expiration date beyond which batches of FD&C Violet No. 1.—Aluminum Lake should no longer be used.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), § 8.515 is revised by designating its present text as paragraph (a) and adding paragraph (b), as follows:

§ 8.515 Limitation of certificates.

(a) *Certain color additives.* Certificates issued heretofore for color additives being retained on the provisional list in § 8.503, but under tolerance and usage restrictions, are hereby limited to those uses and under those conditions imposed by that section. Use of such color additives in any other manner after December 1, 1960, in drugs or cosmetics will result in adulteration. Any color additive certified under such tolerance and usage restrictions after October 12, 1960, shall bear a label statement of the name of the color additive and of the tolerance and use limitations applicable to it.

(b) *FD&C Violet No. 1—Aluminum Lake.* (1) Certificates issued for FD&C Violet No. 1—Aluminum Lake shall bear an expiration date which shall be 2 years after the month during which the batch was certified.

(2) Requests for certification of a batch of FD&C Violet No. 1—Aluminum Lake shall be made no later than 3 months after the month in which the batch was manufactured.

(3) Certificates for repacks of FD&C Violet—Aluminum Lake and mixtures subject to certification containing FD&C Violet No. 1—Aluminum Lake shall bear an expiration date which is the same as the expiration date stated on the original certificate.

(4) Labels on containers of FD&C Violet No. 1—Aluminum Lake, repacks thereof, and mixtures prepared therefrom (whether subject to certification or not) shall bear the statement "Expiration date _____," the blank being filled in with the expiration date stated in the certificate.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86–618 provides for this issuance.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: October 7, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68–12514; Filed, Oct. 14, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart E—Substances for Which Prior Sanctions Have Been Granted

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYETHYLENE GLYCOL (MEAN MOLECULAR WEIGHT 200–9,500)

No comments were received in response to the notice published in the FEDERAL REGISTER of August 21, 1968 (33 F.R. 11843), proposing that the food additive regulations be amended, as described and set forth in said notice, regarding specifications for and additional uses in food and food-contact articles of polyethylene glycol (mean molecular weight 200–9,500). The Commissioner of Food and Drugs concludes that the proposed amendments should be adopted without change.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as set forth below.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated: October 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

Part 121 is amended:

§ 121.1057 [Revoked]

1. By revoking § 121.1057 *Polyethylene glycol 6000.*

2. By revising in § 121.1088(c) the item "Polyoxyethylene glycol" to read as follows:

§ 121.1088 Boiler water additives.

* * * * *

(c) * * *

	Limitations
* * *	* * *
Polyethylene glycol.	As defined in § 121.1185.
* * *	* * *

3. In § 121.1099(a) by deleting the item "Polyethylene glycol" from the list in subparagraph (3) and alphabetically inserting the item in the list in subparagraph (2) reading as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Polyethylene glycol.	As defined in § 121.1185.
* * *	* * *

§ 121.1121 [Revoked]

4. By revoking § 121.1121 *Polyethylene glycol minimum molecular weight 1,300.*

5. In § 121.1179(b) by revising the items "Polyethylene glycol 400" and "Polyethylene glycol 6000" in subparagraphs (2) and (3), respectively, to read as follows:

§ 121.1179 Coatings on fresh citrus fruit.

* * * * *

(b) * * *

(2) * * *

Component	*Limitations*
* * *	* * *
Polyethylene glycol.	Complying with § 121.1185. As a defoamer and dispersing adjuvant.
* * *	* * *

(3) * * *

Component	*Limitations*
* * *	* * *
Polyethylene glycol.	Complying with § 121.1185. As a defoamer and dispersing adjuvant.
* * *	* * *

6. By revising § 121.1185 to read as follows:

§ 121.1185 Polyethylene glycol (mean molecular weight 200–9,500).

Polyethylene glycol identified in this section may be safely used in food in accordance with the following prescribed conditions:

(a) *Identity.* (1) The additive is an addition polymer of ethylene oxide and water with a mean molecular weight of 200 to 9,500.

(2) It contains no more than 0.2 percent total by weight of ethylene and diethylene glycols when tested by the analytical methods prescribed in paragraph (b) of this section.

(b) *Analytical method.* (1) The analytical method prescribed in the U.S.P. XVII for polyethylene glycol 400 shall be used to determine the total ethylene and diethylene glycol content of polyethylene glycols having mean molecular weights of 450 or higher .

(2) The following analytical method shall be used to determine the total ethylene and diethylene glycol content of polyethylene glycols having mean molecular weights below 450.

ANALYTICAL METHOD

ETHYLENE GLYCOL AND DIETHYLENE GLYCOL CONTENT OF POLYETHYLENE GLYCOLS

The analytical method for determining ethylene glycol and diethylene glycol is as follows:

APPARATUS

Gas chromatograph with hydrogen flame ionization detector (Varian Aerograph 600 D or equivalent). The following conditions shall be employed with the Varian Aerograph 600 D gas chromatograph:

Column temperature: 165° C.

Inlet temperature: 260° C.

Carrier gas (nitrogen) flow rate: 70 milliliters per minute.

Hydrogen and air flow to burner: Optimize to give maximum sensitivity.

Sample size: 2 microliters.

Elution time: Ethylene glycol: 2.0 minutes. Diethylene glycol: 6.5 minutes.

Recorder: −0.5 to +1.05 millivolt, full span, 1 second full response time.

Syringe: 10-microliter (Hamilton 710 N or equivalent).

Chromatograph column: 5 feet x 1/8 inch. I.D. stainless steel tube packed with sorbitol (Mathieson-Coleman-Bell 2768 Sorbitol SX850, or equivalent) 12 percent in H_2O by weight on 60–80 mesh nonacid washed diatomaceous earth (Chromosorb W, Johns-Manville, or equivalent).

REAGENTS AND MATERIALS

Carrier gas, nitrogen: Commercial grade in cylinder equipped with reducing regulator to provide 50 p.s.i.g. to the gas chromatograph.

Ethylene glycol: Commercial grade. Purify if necessary, by distillation.

Diethylene glycol: Commercial grade. Purify, if necessary, by distillation.

Glycol standards: Prepare chromatographic standards by dissolving known amounts of ethylene glycol and diethylene glycol in water. Suitable concentrations for standardization range from 1 to 6 milligrams of each component per milliliter (for example 10 milligrams diluted to volume in a 10-milliliter volumetric flask is equivalent to 1 milligram per milliliter).

STANDARDIZATION

Inject a 2-microliter aliquot of the glycol standard into the gas chromatograph employing the conditions described above. Measure the net peak heights for the ethylene glycol and for the diethylene glycol. Record the values as follows:

A = Peak height in millimeters of the ethylene glycol peak.

B = Milligrams of ethylene glycol per milliliter of standard solution.

C = Peak height in millimeters of the diethylene glycol peak.

D = Milligrams of diethylene glycol per milliliter of standard solution.

Procedure

Weigh approximately 4 grams of polyethylene glycol sample accurately into a 10-milliliter volumetric flask. Dilute to volume with water. Mix the solution thoroughly and inject a 2-microliter aliquot into the gas chromatograph. Measure the heights, in millimeters, of the ethylene glycol peak and of the diethylene glycol peak and record as E and F, respectively.

$$\text{Percent ethylene glycol} = \frac{E \times B}{A \times \text{sample weight in grams}}$$

$$\text{Percent diethylene glycol} = \frac{F \times D}{C \times \text{sample weight in grams}}$$

(c) *Uses.* It may be used, except in milk or preparations intended for addition to milk, as follows:

(1) As a coating, binder, plasticizing agent, and/or lubricant in tablets used for food.

(2) As an adjuvant to improve flavor and as a bodying agent in nonnutritive sweeteners identified in § 121.101(d)(4).

(3) As an adjuvant in dispersing vitamin and/or mineral preparations.

(4) As a coating on sodium nitrite to inhibit hygroscopic properties.

(d) *Limitations.* (1) It is used in an amount not greater than that required to produce the intended physical or technical effect.

(2) A tolerance of zero is established for residues of polyethylene glycol in milk.

§ 121.2001 [Amended]

7. By deleting from paragraph (f) of § 121.2001 *Substances employed in the manufacture of food-packaging materials* the items "Polyethylene glycol 400," "Polyethylene glycol 1500," and "Polyethylene glycol 4000."

§ 121.2507 [Amended]

8. By deleting from paragraph (c) of § 121.2507 *Cellophane* the item "Polyethylene glycol (molecular weight greater than 300)."

9. By adding to Subpart F the following new section:

§ 121.2513 Polyethylene glycol (mean molecular weight 200–9,500).

Polyethylene glycol identified in this section may be safely used as a component of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The additive is an addition polymer of ethylene oxide and water with a mean molecular weight of 200 to 9,500.

(b) It contains no more than 0.2 percent total by weight of ethylene and diethylene glycols if its mean molecular weight is 350 or higher and no more than 0.5 percent total by weight of ethylene and diethylene glycols if its mean molecular weight is below 350, when tested by the analytical methods prescribed in § 121.1185(b).

(c) The provisions of paragraph (b) of this section are not applicable to polyethylene glycols used in food-packaging adhesives complying with § 121.2520.

§ 121.2514 [Amended]

10. By deleting from paragraph (b)(3)(xxv) of § 121.2514 *Resinous and polymeric coatings* the item "Polyethylene glycol (molecular weight greater than 300)."

§ 121.2526 [Amended]

11. By deleting from paragraph (a)(5) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* the item "Polyethylene glycol (molecular weight greater than 300)."

§ 121.2551 [Amended]

12. By deleting from paragraph (b)(2) of § 121.2551 *Corrosion inhibitors used for steel or tinplate* the item "Polyethylene glycol."

§ 121.2562 [Amended]

13. By deleting from paragraph (c)(4)(ix) of § 121.2562 *Rubber articles intended for repeated use* the item "Polyethylene glycol (molecular weight 6,000)."

§ 121.2571 [Amended]

14. By deleting from the list in paragraph (b)(2) of § 121.2571 *Components of paper and paperboard in contact with dry food* the item "Polyethylene glycol 200."

[F.R. Doc. 68–12513; Filed, Oct. 14, 1968; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Moisture Determination

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following new section is added to Part 141 of the antibiotic drug regulations to set forth the test for moisture determination:

§ 141.502 Moisture determination.

(a) *Equipment*—(1) *Apparatus.* Use a closed system consisting of all glass automatic burettes, platinum electrodes, and a magnetic stirrer connected to a suitable electrometric apparatus. This apparatus embodies a simple electrical circuit which serves to pass 5 to 10 microamperes of direct current between a pair of platinum electrodes immersed in the solution to be titrated. At the endpoint of the titration a slight excess of the reagent increases the flow of current to between 50 and 150 microamperes for 30 seconds or longer, depending upon the solution being titrated.

(2) *Titrating vessel.* Use a suitable titrating vessel which has been previously dried at 105° C. and cooled in a desiccator.

(b) *Reagents*—(1) *Karl Fischer reagent.* Dissolve 125 grams of iodine in 170 milliliters of pyridine, add 670 milliliters of methanol and cool. To 100 milliliters of pyridine kept in an ice bath, add sulfur dioxide until the volume reaches 200 milliliters. Slowly add this solution to the cooled iodine-methanol-pyridine mixture and shake well. (A commercially prepared Karl Fischer reagent may be used.) Preserve the reagent in glass-stoppered bottles protected from light and from moisture in the air.

(2) *Methanol solution.* Add sufficient water (usually 2 milligrams per milliliter) to methanol so that each milliliter of the resulting methanol solution is equivalent to about 0.5 milliliter of Karl Fischer reagent.

(3) *Solvents*—(i) *Solvent A.* Methanol:chloroform:carbon tetrachloride (1:2:2 by volume).

(ii) *Solvent B.* Chloroform:carbon tetrachloride (1:1 by volume).

(c) *Standardization of reagents*—(1) *Water equivalence of Karl Fischer reagent.* Standardize the Karl Fischer reagent no longer than 1 hour before use by one of the following methods.

(i) Accurately weigh 25–35 milligrams of water into a dry titration vessel and add 20 milliliters of solvent A. Start the

stirrer and titrate to the endpoint by adding measured quantities of Karl Fischer reagent. Calculate the water equivalence of the Karl Fischer reagent as follows:

$$e=\frac{W}{V_T-V_A},$$

where:

e=Water equivalence of the Karl Fischer reagent in terms of milligrams of water per milliliter;
W=Milligrams of water;
V_T=Milliliters of Karl Fischer reagent used;
V_A=Milliliters of Karl Fischer reagent equivalent to the 20 milliliters of solvent A, determined as directed in subparagraph (3) of this paragraph.

(ii) Accurately weigh about 25–35 milligrams of water into a dry titration vessel, add an excess of Karl Fischer reagent, start the stirrer, and titrate to the endpoint with methanol solution. Calculate the water equivalence of the Karl Fischer reagent as follows:

$$e=\frac{W}{V_T-V_m\times f},$$

where:

e=Water equivalence of the Karl Fischer reagent in terms of milligrams of water per milliliter;
W=Milligrams of water;
V_T=Milliliters of Karl Fischer reagent used;
V_m=Milliliters of methanol solution used;
f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in subparagraph (2) of this paragraph.

(2) *Karl Fischer reagent equivalence of methanol solution.* Titrate a known volume of Karl Fischer reagent with methanol solution until the endpoint is reached. Calculate the milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution as follows:

$$f=\frac{V_T}{V_m},$$

where:

f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution;
V_T=Milliliters of Karl Fischer reagent used;
V_m=Milliliters of methanol solution used.

(3) *Karl Fischer reagent equivalence of solvents.* (i) Solvent A: Use 20 milliliters of solvent A as the sample. Start the stirrer and titrate to the endpoint by adding measured quantities of Karl Fischer reagent.

(ii) Solvent B: Use 10 milliliters of solvent B as the sample. Add an excess of Karl Fischer reagent to the sample and start the stirrer. Titrate to the endpoint with methanol solution.

(iii) Calculate the Karl Fischer reagent equivalence of the solvents as follows:

$$V_A=V_T,$$
$$V_B=V_T-V_m\times f,$$

where:

V_A and V_B=Milliliters of Karl Fischer reagent equivalent to the aliquots used of solvents A and B respectively;
V_T=Milliliters of Karl Fischer reagent used;
V_m=Milliliters of methanol solution used;
f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in subparagraph (2) of this paragraph.

(d) *Sample preparation*—(1) *Powders.* In the case of tablets, grind 4 tablets to a fine powder. If the maximum moisture limit is greater than 1 percent, accurately weigh about 300 milligrams of the sample into a dry titrating vessel. If the maximum moisture limit is less than 1 percent, accurately weigh 1 to 2 grams of the sample. Proceed as directed in paragraph (e) (1) or (2) of this section.

(2) *Ointments and oils.* (i) Transfer about 1 to 2 grams, accurately weighed, into a dry titrating vessel. Proceed as directed in paragraph (e)(1) of this section; or

(ii) Transfer about 1 to 2 grams, accurately weighed, into a dry titrating vessel. Add 10 milliliters of solvent B and proceed as directed in paragraph (e)(2) of this section.

(3) *Aerosols with propellant.* Place the immediate container to be tested in a suitable freezing unit having a temperature of not higher than 0° C. for at least 2 hours. Remove the container from the freezing unit, puncture it, mix the entire contents by swirling. Proceed as directed in paragraph (e)(3) of this section, using an accurately measured 10-milliliter aliquot from the container as the sample and allowing the solution to warm to at least 10° C. before determining the endpoint.

(e) *Titration procedures and calculations*—(1) *Procedure 1.* Add 20 milliliters of solvent A to the sample. Start the stirrer and titrate to the endpoint by adding measured quantities of Karl Fischer reagent. Determine the percent moisture in the sample as follows:

$$\text{Percent moisture}=\frac{(V_T-V_A)\times e\times 100}{W_s},$$

where:

e=Water equivalence of the Karl Fischer reagent determined as directed in paragraph (c)(1) of this section;
V_T=Milliliters of Karl Fischer reagent used;
V_A=Milliliters of Karl Fischer reagent equivalent to the 20 milliliters of solvent A, determined as directed in paragraph (c)(3) of this section;
W_s=Weight of the sample in milligrams.

(2) *Procedure 2.* Add an excess of Karl Fischer reagent to the sample, start the stirrer, and titrate to the endpoint with methanol solution. Calculate the percent moisture in the sample as follows:

(i) For powders:

$$\text{Percent moisture}=\frac{(V_T-V_mf)\times e\times 100}{W_s},$$

(ii) For oils and ointments:

$$\text{Percent moisture}=\frac{(V_T-V_mf-V_B)\times e\times 100}{W_s},$$

where:

V_T=Milliliters of Karl Fischer reagent used;
V_m=Milliliters of methanol solution used;
f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (c)(2) of this section.
V_B=Milliliters of Karl Fischer reagent equivalent to the 10 milliliters of solvent B determined as directed in paragraph (c)(3) of this section;
e=Water equivalence of the Karl Fischer reagent determined as directed in paragraph (c)(1) of this section;
W_s=Weight of the sample in milligrams.

(3) *Procedure 3.* Add about 20 milliliters of solvent A to a dry titrating vessel and proceed as directed in titration procedure 1 or 2. Disregard the volume of reagents used to determine the endpoint. Promptly introduce an accurately weighed or measured quantity of sample into the titrating vessel and titrate to the endpoint using either titration procedure 1 or 2 without additional solvents. Calculate the percent moisture in the sample as follows:

(i) If titration procedure 1 is used:

$$\text{Percent moisture in weighed samples}=\frac{V_T\times e\times 100}{W_s},$$

$$\text{Percent moisture in aerosols}=\frac{V_T\times e}{\text{Milliliters of sample}\times 10},$$

(ii) If titration procedure 2 is used:

$$\text{Percent moisture in weighed samples}=\frac{(V_T-V_mf)\times e\times 100}{W_s},$$

$$\text{Percent moisture in aerosols}=\frac{(V_T-V_mf)\times e}{\text{Milliliters of sample}\times 10},$$

where:

V_T=Milliliters of Karl Fischer reagent used;
V_m=Milliliters of methanol solution used;
f=Milliliters of Karl Fischer reagent equivalent to each milliliter of methanol solution determined as directed in paragraph (c)(2) of this section;
e=Water equivalence of the Karl Fischer reagent determined as directed in paragraph (c)(1) of this section.

Since this order is for the purpose of clarifying existing regulations and is noncontroversial and nonrestrictive in nature, notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: October 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-12515; Filed, Oct. 14, 1968; 8:49 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1510—SAFETY AND HEALTH PROVISIONS FOR FEDERAL AGENCIES

Under authority in section 33 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 7902 (b)–(e)), 29 CFR Chapter XIII is amended by adding a new Part 1510 entitled "Safety and Health Provisions for Federal Agencies," to read as set out below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply to these regulations, because they relate to agency management or personnel procedures exclusively. No good purpose would appear to be served by the public comment and delay there provided. Accordingly, these regulations are effective upon signature.

The new Part 1510 reads as follows:

Sec.
1510.1 Purpose and scope.
1510.2 Reporting employee injuries and accidents.
1510.3 Safety and health standards.

AUTHORITY: The provisions of this Part 1510 issued under sec. 33(c), 39 Stat. 749, as amended, 5 U.S.C. 7902 (b)–(e).

§ 1510.1 Purpose and scope.

(a) Section 33 of the Federal Employees' Compensation Act, as amended (5 U.S.C. 7902(d)) requires that "The head of each agency shall develop and support organized safety promotion to reduce accidents and injuries among employees of his agency, encourage safe practices, and eliminate work hazards and health risks." The Federal Employees' Compensation Act (hereinafter referred to as the Act) also requires each agency to keep a record of injuries and accidents to its employees, and that each agency shall "make such statistical or other reports on such forms as the Secretary of Labor may prescribe by regulation." (5 U.S.C. 7902(e)) "Agency" is defined in the Act to mean "an agency in any branch of the Government of the United States, including an instrumentality wholly owned by the United States, and the government of the District of Columbia." This definition shall also serve to define the word "agency" wherever used in this part. (5 U.S.C. 7902 (a)(2)) The Act authorizes the Secretary of Labor to carry out a safety program covering the employment of each employee of every agency. The President, under the authority of the Act, has established by Executive Order No. 10990, the Federal Safety Council, which is composed of representatives of Government agencies, to serve as an advisory body to the Secretary of Labor in furtherance of the safety program to be carried out by the Secretary. (5 U.S.C. 7902(c)(1)) The Secretary has, after study and consultation with the Federal Safety Council determined that there is a need for a uniform method of recording and reporting by each agency of all injuries and accidents to its civilian employees. On the basis of these reports a valid appraisal and evaluation can be made of the adequacy and effectiveness of the Federal safety effort.

(b) The Secretary of Labor has, after study of the accidents and injuries in the agencies on the basis of the information presently available to him, and after assessment of agency safety programs, and after consultation with the Federal Safety Council, determined that safety and health standards should be recommended for adoption by each agency head in developing and supporting the "organized safety promotion" within his agency in order to reduce the risk of accidents and injuries in employments to which the Act applies. The purpose of this part is to require of each agency a uniform method of recording and reporting civilian employee injuries and accidents and to advise the head of each agency concerning the safety and health standards which the Secretary of Labor recommends for his agency.

§ 1510.2 Reporting employee injuries and accidents.

(a) *Recording.* As a basis for the reports required by paragraph (b) of this section each agency shall use the USA Standard Z16.1–1967 American Standard Method of Recording and Measuring Work Injury Experience for the purpose of recording civilian employee injury experience. All sections of Z16.1 are to be applied except those pertaining to severity and severity rates, and to nonstandard measures, which may be used optionally.

(b) *Reporting.* Each agency employing 100 or more civilian employees shall submit, in letter form, a quarterly summarization of civilian employee injuries and the number of hours worked by all of its civilian employees to the Secretary of Labor, Washington, D.C., Attention: Federal Safety Council. The letter report shall be submitted within 45 days following the end of each calendar quarter (no later than February 15, May 15, August 15, and November 15), and shall contain the following minimum information: (1) The number of disabling injuries, including fatalities; (2) the number of fatalities; and (3) the number of employees and number of hours worked in the reporting period by all of its civilian employees. Any agency so desiring may include in the letter report any other information deemed to be of interest for government-wide accident prevention purposes.

(c) *Other reports.* The recording and reporting of civilian employee injuries and accidents required in paragraphs (a) and (b) of this section does not supersede or change existing requirements for reporting accidents for other purposes, such as in-house agency reports and those required for claims and injury compensation.

§ 1510.3 Safety and health standards.

The Secretary of Labor recommends that the head of each agency adopt and ensure compliance with the applicable standards, specifications, and codes developed and published by the U.S. Department of Labor, the National Bureau of Standards, the U.S. Public Health Service, the U.S. Civil Service Commission, the U.S. Department of Transportation, other agencies of the Government of the United States, and those of nationally recognized professional organizations.

(a) The nationally recognized professional organizations referred to in this section include:

(1) United States of America Standards Institute (American Standards Association).

(2) The National Fire Protection Association.

(3) The American Society of Mechanical Engineers.

(4) The American Society for Testing and Materials.

(b) Information as to the latest standards, specifications, and codes, applicable to a particular situation and the references in § 1510.2 is available at the Office of the Director, Bureau of Labor Standards, U.S. Department of Labor, 400 First Street NW., Washington, D.C. 20210, or at any of the Regional Offices of the Bureau of Labor Standards as follows:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, New Jersey, and Puerto Rico).

(2) Middle Atlantic Region, 1110–B Federal Building Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201 (Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 1906 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and Guam).

Signed at Washington, D.C., this 9th day of October 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–12508; Filed, Oct. 14, 1968; 8:49 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BSDA Order M–43A; Revocation]

M–43A—CONSTRUCTION MACHINERY: DISTRIBUTION

Revocation

BDSA Order M–43A (18 F.R. 2645) is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under M–43A, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90–370, 82 Stat. 279)

This revocation shall take effect October 15, 1968.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
RODNEY L. BORUM,
Administrator.

[F.R. Doc. 68–12496; Filed, Oct. 14, 1968; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 68–95]

PART 67—PRIVATE AIDS TO NAVIGATION, OUTER CONTINENTAL SHELF AND WATERS UNDER THE JURISDICTION OF THE UNITED STATES

Miscellaneous Amendments

The general requirements in Part 67 describe the required private aids to navigation on structures on the Outer Continental Shelf and waters under the jurisdiction of the United States and these requirements currently apply in the 17th Coast Guard District, which includes Alaska. The rule designated 33 CFR 67.50–50 in this document states the requirements which are being applied in this Coast Guard District. The other changes in this document are miscellaneous amendments to bring the requirements up-to-date and to reflect the transfer of the Coast Guard to the Department of Transportation.

Because the regulations in this document are rules describing Coast Guard procedure with respect to applications for permits or are of an editorial nature, it is hereby found that the Coast Guard is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 14 U.S.C. 632 and other statutes cited with the regulations below and the delegation of authority in 49 CFR 1.4(a) (2) and (f), the following regulations are prescribed and shall be effective on and after the date of publication in the FEDERAL REGISTER.

1. The authority citation following the table of contents of Part 67 is amended to read as follows:

AUTHORITY: The provisions of this Part 67 issued under secs. 83, 85, 92, 633, 63 Stat. 500, 503, 545, sec. 4, 67 Stat. 462, sec. 6(b)(1), 80 Stat. 938; 14 U.S.C. 83, 85, 92, 633, 43 U.S.C. 1333, 49 U.S.C. 1655(b), 1657(e); 49 CFR 1.4(a)(2), (f), (g).

Subpart 67.01—General Requirements

2. Section 67.01–10(a) is amended to read as follows:

§ 67.01–10 Authority to regulate and delegation of functions.

(a) *Regulatory authority.* By virtue of the Department of Transportation Act (Public Law 89–670, 80 Stat. 931–950, 49 U.S.C. 1651–1659), establishing the Department of Transportation, the U.S. Coast Guard together with its functions and duties under the Secretary of the Treasury was transferred to the new department. The Secretary of Transportation thereby became the "head of the Department in which the Coast Guard is operating," including the authority to promulgate and enforce regulations under the Outer Continental Shelf Lands Act (43 U.S.C. 1333). By a rule in 49 CFR 1.9 the Secretary continued in effect actions taken prior to April 1, 1967. By rules in 49 CFR 1.4(a) (2) and (f) the Secretary of Transportation authorized the Commandant, U.S. Coast Guard, with respect to his own organization, to exercise the authority granted to the Secretary as Executive head of that department by any statute, Executive order or regulation. Section 1657(e) of Title 49 U.S.C. provides for delegation and redelegation of powers and functions vested in the Secretary. By a rule in 49 CFR 1.4(g) the Commandant is authorized to redelegate and authorize successive redelegations within the organization under his jurisdiction.

* * * * *

Subpart 67.10—General Requirements for Fog Signals

§ 67.10–1 [Amended]

3. In § 67.10–1(b) the words "'Regulations for Preventing Collisions at Sea, 1948,'" are amended to read, "'Regulations for Preventing Collisions at Sea, 1960' (33 U.S.C. 1061–1094),".

§ 67.10–5 [Amended]

4. In § 67.10–5 the words "'Regulations for Preventing Collisions at Sea, 1948,'" are amended to read, "'Regulations for Preventing Collisions at Sea, 1960' (33 U.S.C. 1061–1094),".

§ 67.15–1 [Amended]

5. In § 67.15–1 the words "'Regulations for Preventing Collisions at Sea, 1948,'" are amended to read, "'Regulations for Preventing Collisions at Sea, 1960' (33 U.S.C. 1061–1094),".

Subpart 67.30—Class "C" Requirements

§ 67.30–5 [Amended]

6. The last sentence of § 67.30–5(a) is amended to read, "A copy of the specification may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120".

Subpart 67.50—District Regulations

§ 67.50–25 [Amended]

7. In § 67.50–25(e) the words "New Orleans 16, Louisiana," are amended to read "New Orleans, Louisiana 70130,".

8. Subpart 67.50 is amended by adding a new § 67.50–50 reading as follows:

§ 67.50–50 Seventeenth Coast Guard District.

(a) *Description.* See § 3.85–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required it will be determined in accordance with § 67.01–20. The District Commander shall assign structures to classes as he deems appropriate at the time of application for a permit to establish and operate lights and fog signals. In so doing, he shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

Dated: October 7, 1968.

W. J. SMITH,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 68–12458; Filed, Oct. 14, 1968; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

ANNUAL INCOME; RELOCATION PAYMENTS

In § 3.261(a), subparagraph (32) is added to read as follows:

§ 3.261 Character of income; exclusions and estates.

* * * * * * *

(a) *Income:*

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected veterans, (widows and children)	Pension; Public Law 86-211 (veterans, widows, and children)	See—
* * *	* * *	* * *	* * *	* * *	* * *
(32) Relocation payments (Public Law 90-448; Public Law 90-495).	Excluded	Excluded	Excluded	Excluded	§ 3.262(c).
* * *	* * *	* * *	* * *	* * *	* * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: October 9, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-12494; Filed, Oct. 14, 1968; 8:48 a.m.]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

PROTECTION—SERVICE CONNECTION

Section 3.957 is revised to read as follows:

§ 3.957 Service connection.

Service connection for any disability or death granted or continued under title 38, United States Code, which has been in effect for 10 or more years will not be severed except upon a showing that the original grant was based on fraud or it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge. The 10-year period will be computed from the effective date of the Veterans Administration finding of service connection to the effective date of the rating decision severing service connection, after compliance with § 3.105(d). The protection afforded in this section extends to claims for dependency and indemnity compensation or death compensation. (38 U.S.C. 359)

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: October 8, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-12493; Filed, Oct. 14, 1968; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER N—PROCEDURES

PART 955—RULES OF PRACTICE BEFORE THE BOARD OF CONTRACT APPEALS

The rules of practice respecting proceedings of the Post Office Department's Board of Contract Appeals have been revised. Accordingly, Part 955 is amended to read as follows:

Sec.

AUTHORITY: The provisions of this Part 955 issued under 5 U.S.C. 301, 39 U.S.C. 501; 39 CFR 821.3(c)(3).

§ 955.1 Authority, membership, and jurisdiction of the Board.

(a) The Board of Contract Appeals is the authorized representative of the Postmaster General to hear and decide appeals from decisions of contracting officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the United States is a party. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their other duties in the Department.

(b) The Board of Contract Appeals for the Department generally consists of three members. The Board is composed of the Judicial Officer, as Chairman, the Chief Hearing Examiner and one other Hearing Examiner designated by the Chairman.

(c) The Board has the authority to conduct hearings, dismiss proceedings, take official notice of appropriate facts and decide all questions of fact and law raised by the appeal. There is no further administrative appeal from the decision of the Board. The Chairman of the Board may assign or reassign an appeal to one or more members for all purposes, except that any final decision must be by a majority of the Board. References hereinafter to the Board, except with respect to Board decisions, shall be understood to refer to the presiding member or members where such assignment has been made.

(d) When an appeal is taken pursuant to a disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

(e) Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure a just and inexpensive determination or appeals without unnecessary delay.

(f) Preliminary procedures are available to encourage full disclosure of relevant and material facts, and to discourage unwarranted surprise.

(g) All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

(h) Whenever reference is made to contractor, appellant, contracting officer, respondent, and parties, this shall include respective counsel for the parties, as soon as appropriate notices of appearance have been filed with the Board.

PRELIMINARY PROCEDURES

§ 955.2 Appeals, how taken.

Notice of an appeal must be in writing, and the original, together with three

copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within 30 days of the receipt of such decision unless otherwise provided in the contract.

§ 955.3 Contents of notice of appeal.

A notice of appeal should indicate that an appeal is thereby intended, and should identify the contract (by number), the Post Office Department bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an authorized officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in § 955.7 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

§ 955.4 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor and contracting officer will be promptly advised of its receipt, and the contractor will be furnished a copy of these rules.

§ 955.5 Duties of the contracting officer and of Department Counsel.

(a) Fifteen days after receipt of a notice of appeal the contracting officer shall compile and transmit to the Department Counsel copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data pertinent to the appeal;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board.

(5) Such additional information as may be considered material.

(b) Upon receipt of the foregoing compilation, Department Counsel shall prepare therefrom an appeal file, shall notify the appellant, provide him with a reasonably descriptive index or listing of its contents, and advise him that he may examine the appeal file at the office of Department Counsel for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal.

(c) Documents contained in the appeal file are considered, without further action by the parties, as before the Board as though they had been received in evidence at a formal hearing, unless a party files a written objection to the consideration of a particular document. Such written objection shall be filed in advance of settling the record if there is no hearing on the appeal or, if there is a hearing, then by written or oral objection as soon as practicable and, in any event, before the end of such hearing. If objection to a document is made, the Board will treat the document as having been offered in evidence and rule on its admissibility in accordance with § 955.21.

§ 955.6 Dismissal for lack of jurisdiction.

Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

§ 955.7 Pleadings.

(a) Within 30 days after receipt by the Board of the notice of appeal, the appellant shall file with the Board an original and three copies of a complaint setting forth simple, concise and direct statements of each of his claims, alleging the basis with appropriate reference to contract provisions for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Recorder of the Board (Docket Clerk) shall serve a copy upon the respondent. Should the complaint not be received within 30 days, the Board may, if it finds that the notice of appeal sufficiently defines the issues before the Board, treat the notice of appeal as a complaint. In such case the Board shall notify both parties of its decision.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the Recorder of the Board, respondent shall prepare and file with the Board an original and three copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof, the Recorder shall serve a copy upon appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified. The appeal file shall be filed with the answer.

(c) The Board may consider any timely motion:

(1) To dismiss an appeal for want of jurisdiction;

(2) To dismiss for failure to prosecute an appeal;

(3) To make a pleading more definite and certain;

(4) For discovery, interrogatories to a party, or the taking of depositions;

(5) To reconsider a decision or reopen a hearing;

(6) For any other appropriate order or relief.

Response, if any, by the opposite party to a motion shall be made within 10 days of his receipt of a copy thereof, unless the Board otherwise directs. The Board may permit oral hearing or argument and briefs in support of any motion.

§ 955.8 Amendments of pleadings or record.

(a) The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer.

(b) The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in § 955.5, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances motions to amend the pleadings to conform to the proof may be entered, but are not required. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the § 955.5 documentation (which shall be deemed part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal, provided, however, that the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

§ 955.9 Elections as to hearings.

Within 15 days after the parties' recept of notification from the Recorder of the Board that the Government's answer has been filed or the entrance of a general denial by the Board on behalf of the Government, they shall notify the Board whether they desire an oral hearing on the appeal. In the event either party requests an oral hearing, the Board will schedule the same as hereinafter provided. In the event both parties waive an oral hearing, the Board, unless it directs an oral hearing, will decide the appeal on the record before it, supplemented as it may permit or direct. (See § 955.14) A party failing to elect an oral hearing within the 15 day time limitation may be deemed to have submitted its case on the record.

§ 955.10 Prehearing briefs.

Based on an examination of the documentation described in § 955.5, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to § 955.9. In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a pre-hearing brief is submitted, it shall be furnished so as to be received by the Board at least 5 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

§ 955.11 Prehearing or presubmission conference.

(a) Whether the case is to be submitted pursuant to § 955.12, or heard pursuant to §§ 955.18 through 955.26, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member of the Board for a conference to consider:

(1) The simplification or clarification of the issues;

(2) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(3) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(4) The possibility of agreement disposing of all or any of the issues in dispute;

(5) Such other matters as may aid in the disposition of the appeal.

(b) The results of the conference shall be reduced to writing by the Board member within 5 business days after the close of the conference, and this writing shall thereafter constitute part of the record.

§ 955.12 Submission without a hearing.

Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to § 955.14. In the event of such election to submit, the submission may be supplemented by oral argument and by briefs, arranged in accordance with §§ 955.14 and 955.24.

§ 955.13 Optional accelerated procedure.

The parties may elect to process any appeal under this section, except that the Board's consent thereto shall also be required in any appeal exceeding $2,500 in amount. In the event of such election, the Board will decide the appeal under an accelerated procedure, pursuant to which the decision will be based upon the pleadings, or other written statements in lieu of pleadings, and on such other evidence and argument as the Board may require.

§ 955.14 Settling of the record.

(a) A case submitted on the record pursuant to § 955.12 shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party, upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, within the discretion of the Board, on notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

(b) The Board record shall consist of documentation described in §955.5, and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and post-hearing briefs, as may thereafter be developed pursuant to these rules.

(c) This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

§ 955.15 Depositions.

(a) *By whom and before whom to be taken.* Depositions upon oral examination or upon written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case. Depositions may be taken before any person authorized by laws of the United States or by the laws of the place where they are taken to administer oaths.

(b) *Procedure for taking.* Either party may take a deposition of a witness by giving the opposite party at least 10 days notice in writing of the time and place where such deposition will be taken. The notice shall contain: The name, address and official title of the officer before whom it is proposed to take the deposition; the name of the witness and the address; whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case the notice can be dispensed with. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation. The opposing party may serve cross interrogatories to be propounded to the witness within 10 days after receipt of the interrogatories, by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to his opponent. Disputes in regard to the taking of depositions may be submitted to the Board for resolution.

(c) *Use as evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instance, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases otherwise heard on the record, the Board may, on motion of either party and in its discretion, receive depositions as evidence in supplementation of that record.

(d) *Expenses.* All expenses of taking the deposition of any person shall be borne by the party taking that deposition, except that the other party shall be entitled to copies of the transcript of the desposition only upon paying therefor.

§ 955.16 Inspection of documents and admission of facts.

For good cause shown, the Board may require a party to produce and permit inspection and copying or photographing of designated documents relevant to the appeal, or permit the serving on the opposing party of a request for admission of facts. Such Board action will be taken and orders entered as are consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay.

§ 955.17 Service of papers.

(a) Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

(b) Any papers filed with the Board, with the exception of exhibits received in a hearing, shall be filed in quadruplicate, unless the Board shall otherwise direct.

HEARINGS

§ 955.18 Where held.

Hearing will ordinarily be held in Washington, D.C., except that upon request seasonably made and upon good cause shown, the Board may in its discretion set the hearing at another location.

§ 955.19 Notice of hearings.

The parties shall be given at least 10 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties.

A party failing to acknowledge a notice of hearing shall be deemed to have consented to the indicated time and place of hearing.

§ 955.20 Unexcused absence of a party.

The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in § 955.12. The Board shall notify the absent party of the proceedings had and shall advise him that he has 5 days from the receipt of such notification within which to show cause why the appeal should not be decided on the record made.

§ 955.21 Nature of hearings.

Hearings shall be as informal as may be reasonable and appropriate under the circumstances, Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject however, to the sound discretion of the Board in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the Board. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

§ 955.22 Examination of witnesses.

Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of title 18, United States Code, §§ 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

§ 955.23 Copies of papers.

When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

§ 955.24 Posthearing briefs.

Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the Board at the conclusion of the hearing.

§ 955.25 Transcript of proceedings.

Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

§ 955.26 Withdrawal of exhibits.

After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

§ 955.27 The appellant.

An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed and in good standing in any State, Commonwealth, Territory, or in the District of Columbia, pursuant to the Rules Governing the Eligibility of Persons to Practice Before the Post Office Department (§ 951.1 of this chapter, et seq.).

§ 955.28 The respondent.

Department counsel designated by the General Counsel will represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time.

§ 955.29 Settlement.

Whenever at any time it appears that appellant and Department counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar.

DECISIONS

§ 955.30 Service and availability of Board decisions.

Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions, except those to which the provisions of section 552 of Title 5, United States Code (sec. 3 of the Administrative Procedure Act, as amended), do not apply, shall be open for public inspection at the offices of the Board in Washington, D.C. Decisions of the Board will be made upon the record as described in § 955.14.

§ 955.31 Dismissal without prejudice.

In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

§ 955.32 Remands from courts.

Whenever any matter is remanded to the Board from any court for further proceedings, the parties shall, within 20 days of such remand, submit a report to the Board indicating what procedures they think necessary to comply with the court's order. The Board will enter special orders governing the handling of matters remanded to it for further proceedings by any court. To the extent the court's directive and time limitations will permit, these orders will conform to these rules.

§ 955.33 Effective date and applicability.

These revised rules shall take effect 60 days following publication in the FEDERAL REGISTER. Except as otherwise directed by the Board and agreed to by the parties, these rules shall not apply to appeals which have been docketed prior to their effective date.

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-12456; Filed, Oct. 14, 1968; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-1—GENERAL

Subpart 9-1.4—Procurement Authority and Responsibility

Subpart 9-1.50—Change Orders, Equitable Adjustments, and Supplemental Agreements for Fixed-Price Contracts

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 9-5.52—Procurement of Special Items

MISCELLANEOUS AMENDMENTS

The following amendments to AEC Procurement Regulations Parts 9-1 and

9–5 are for the purpose of updating references.

1. Section 9–1.451, *Standards of conduct,* is revised to read as follows:

§ 9–1.451 Standards of conduct.

The business ethics of all persons charged with administration and expenditure of Government funds must be above reproach and suspicion in every respect at all times. It is important that all persons engaged in procurement and related duties adhere to and be guided by the AEC's policies and instructions on personnel conduct. Detailed rules applicable to the conduct of employees are set forth in 10 CFR Part 0.

2. In § 9–1.5004–1, *Change orders,* paragraph (c)(5) is revised to read as follows:

§ 9–1.5004–1 Change orders.

* * * * *

(c) *Method of issuance.* * * *

(5) According to the circumstances of the particular case, the contractor's protest or "appeal" from unilateral adjustments of price and time in a change order should be treated (i) as a claim for consideration and decision, based on findings of fact by the Contracting Officer, subject to further appeal, or (ii) as an appeal from the Contracting Officer's decision. The latter alternative should apply only when the unilateral adjustments were preceded by a full consideration of the details of the contractor's claim, a thorough effort to resolve differences by negotiation, and a decision by the Contracting Officer based upon formal findings of fact. See "Rules of Procedures in Contract Appeals," 10 CFR Part 3.

* * * * *

3. In § 9–5.5206–11, *Arms and ammunition,* the first paragraph is revised to read as follows:

§ 9–5.5206–11 Arms and ammunition.

Pursuant to 10 U.S.C. 4655, the Secretary of the Army is authorized to furnish arms, suitable accouterments for use therewith, and ammunition for the protection of public money and property.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of October 1968.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 68–12459; Filed, Oct. 14, 1968; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 73—STANDARDS OF CONDUCT

Teaching and Lecturing

Part 73 is revised to amend the prohibition against Department employees aiding in the special preparation of persons for civil service and Foreign Service examinations and to reflect the change made by Executive Order 11408 which revoked Executive Order No. 9 and certain other Executive orders relating to holding State and local office. Outside employment with a State or local government will now be regulated as any other outside employment under this part.

1. Section 73.735–405(a)(4) is revised to read as follows:

§ 73.735–405 Teaching and lecturing.

(a) * * *

(4) Teaching, lecturing, or writing may not be for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the agency head gives written authorization for use of nonpublic information on the basis that the use is in the public interest.

* * * * *

2. Section 73.735–407 is revised to read as follows:

§ 73.735–407 Holding office under State or local government.

An employee may hold State or local office if it is compatible with his Federal employment in terms of the same criteria as for other private employment. Approval for outside employment with a State or local government may be given orally by the immediate supervisor of the employee unless written approval or approval at a higher level is required by Subpart I of this part, or by the employee's operating agency or bureau, or as deemed desirable by the employee or his supervisor because of the nature of the part-time work.

[SEAL] JAMES H. MCCROCKLIN,
Acting Secretary.

OCTOBER 9, 1968.

[F.R. Doc. 68–12519; Filed, Oct. 14, 1968; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68–1010]

PART 0—COMMISSION ORGANIZATION

Miscellaneous Amendments

In the matter of amendment of §§ 0.291, 0.292, 0.294, and 0.298 of the Commission's rules and regulations.

1. The Commission, having under consideration section 201(c) of the Communications Satellite Act of 1962, and section 214 and Title III of the Communications Act of 1934, as amended, has determined that the Chief, Common Carrier Bureau, should be delegated authority:

(a) To act on applications from existing licensees in the international fixed public radio services to the same extent as authority is now delegated to act on all applications in the domestic radio services by § 0.291;

(b) To designate for hearing all mutually exclusive applications for radio facilities filed pursuant to Part 25 of Chapter I of Title 47 of the Code of Federal Regulations, and to determine under § 1.80 of said chapter whether forfeiture liability has been incurred in connection with any station governed by Part 25 of said chapter;

(c) To act on requests for 214 certificates and authorizations involving an annual rental cost of less than $250,000;

(d) To act on applications for alternate facilities in certain cases of emergency involving interruption of cable or satellite communication facilities; and

(e) To act on applications and other requests for authorizations relating to communication satellite facilities and services;

and that §§ 0.291, 0.292, 0.294, and 0.298 of the rules and regulations be amended to reflect this determination.

2. Authority for these amendments is contained in sections 4(i) and 5(d) of the Communications Act of 1934, as amended (47 U.S.C. sections 154(i) and 155(d)), and section 201(c)(11) of the Communications Satellite Act of 1962 (47 U.S.C. section 721(c)(11)).

3. Inasmuch as the amendment relates to internal Commission organization and practice, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. section 553) do not apply.

In view of the foregoing: *It is ordered,* Effective October 18, 1968, that §§ 0.291, 0.292, 0.294, and 0.298 of Part 0 of the rules and regulations are amended as set forth below.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; Sec. 201, 76 Stat., 419; 47 U.S.C. 154, 155, 721)

Adopted: October 9, 1968.

Released: October 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Chapter I of Title 47 of the Code of Federal Regulations, Subpart B of Part 0 is amended as follows:

1. In § 0.291, paragraph (a) is revised to read as follows:

§ 0.291 Authority concerning radio matters.

* * * * *

(a) From existing licensees for instruments of authorization, for the fixed public or fixed public press radio services.

* * * * *

2. Section 0.292 is revised to read as follows:

§ 0.292 Additional authority concerning radio matters.

The Chief of the Common Carrier Bureau is delegated authority to act on the following matters:

(a) To designate for hearing all mutually exclusive applications for radio facilities filed pursuant to Parts 21, 23, and 25 of this chapter.

(b) To determine under § 1.80 of this chapter whether forfeiture liability has been incurred in connection with the operation of any station governed by Parts 21, 23, and 25 of this chapter, and to issue notices of apparent liability as provided in § 1.80 of this chapter.

3. In § 0.294, paragraphs (a) and (b) are revised, and paragraph (g) is added to read as follows:

§ 0.294 Authority concerning section 214 of the Act.

* * * * *

(a) For a certificate authorizing the construction, acquisition, operation, or extension of lines, or for an authorization for temporary or emergency service or the supplementing of existing facilities involving an estimated construction or purchase cost of less than $2 million, or an annual rental of less than $250,000.

(b) For modification of a certificate or authorization under this section of the Act where such amendment or modification involves an estimated construction or purchase cost of less than $2 million or an annual rental of less than $250,000.

* * * * *

(g) For special temporary authorizations in the event of cable failures, satellite outages, or similar occurrences, including those requested at times outside of regular office hours of the Commission in emergency cases, without regard to the cost of obtaining such emergency restored facilities.

[1] Chairman Hyde absent.

4. In § 0.298, the headnote is revised, and paragraph (c) is added to read as follows:

§ 0.298 Authority concerning Communication Satellite matters.

* * * * *

(c) The Chief of the Common Carrier Bureau is delegated authority to act upon applications, requests, and other matters which are not in hearing status relating to communication satellite facilities and services as follows:

(1) For modifications of communication satellite earth station or space station construction permits; for operating licenses or modification or renewal of operating licenses for such facilities; for authorizations for developmental purposes covered by Part 25, Subpart E, of this chapter; and for modifications of approval to participate in construction of satellites intended for use in the global communication satellite system, when the applications involved comply with the requirements of the Communications Act of 1934, as amended, and the Communications Satellite Act of 1962, are in accord with Commission policy and standards, are not mutually exclusive with any other applications, and concerning which no petition to deny has been filed.

(2) For authorizations to establish channels of communications with new points, to obtain units of satellite utilization, and to engage in promotional demonstrations or experimental operations.

(3) Temporary or emergency authorizations with respect to any of the foregoing matters.

[F.R. Doc. 68-12497; Filed, Oct. 14, 1968; 8:48 a.m.]

[Docket No. 18127; FCC 68-1017]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; San Fernando and Lancaster, Calif.

Report and Order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (San Fernando and Lancaster, Calif.), Docket No. 18127.

1. The Commission has before it for consideration its notice of proposed rule making, FCC 68-384, issued in this proceeding on April 12, 1968, and published in the FEDERAL REGISTER on April 17, 1968 (33 F.R. 5891), inviting comments on a proposal to amend the FM Table of Assignments to delete Channel 292-A from San Fernando, Calif., and assign it to Lancaster, Calif., as follows:

City	Channel No.	
	Present	Proposed
Lancaster, Calif.		292A
San Fernando, Calif.	232A, 292A	232A

2. San Fernando, with a population of 16,093,[1] is located within the Los Angeles Urbanized Area and Standard Metropolitan Statistical Area. Station KVFM operates on Channel 232A and KSFV previously operated on Channel 292A at San Fernando. San Fernando also has an unlimited-time AM station. The license of KSFV was deleted effective March 20, 1968, after an evidentiary hearing in Docket No. 17198. The original construction permit for the station was issued prior to the adoption of the present separation rules and assignment table in Docket No. 14185. Retention of Channel 292A would involve three serious short spacings, two with second adjacent channel stations in Los Angeles and Pasadena (less than 20 miles from each), and one with a cochannel station in Santa Ana (less than 50 miles). The required spacings are 40 miles and 65 miles, respectively.

3. Lancaster is a community of 26,012, located about 45 miles north of Los Angeles. It has an unlimited time AM station and a daytime-only AM station but no FM assignment. Channel 292A, if removed from San Fernando, could be assigned to Lancaster in conformance with all the rules provided a site is used about 2 miles north of the community. Channel 300 was formerly assigned to Lancaster but was shifted to another community. (See Docket No. 16212, RM-837, first report and order, issued February 25, 1966 (2 FCC 2d 647).)

4. Opposing comments to the Commission's proposal were filed separately by Buckley Broadcasting Corporation of California, licensee of Station KGIL (AM), San Fernando, and William E. Sullivan and Kipp Pritzlaff, doing business as Kippco. Both parties are applicants for Channel 292A at San Fernando.[2] Buckley urges that, although a consideration by the Commission in adopting its notice was the relative sizes of the two communities, Lancaster also is located in the Los Angeles SMSA and the total 1960 population of the North Antelope Valley (Census Division containing Lancaster) is only 41,059, whereas that of the San Fernando Valley (containing San Fernando) is estimated to be over 1 million. It is maintained that there is no new evidence not considered by the Commission at the time Channel 300 was removed from Lancaster which would indicate a need for assigning a channel there at this time. It is further contended by Buckley that to state that San Fernando has a population of only 16,093 does not convey the needs of the general area. It is alleged that the San Fernando Valley is one of the fastest growing areas in the country and has a need for local service unrelated to that provided by Los Angeles stations.

[1] Populations referred to herein are from 1960 U.S. Census, unless otherwise indicated.

[2] A third application for Channel 292A at San Fernando was tendered by Manuel G. Martinez.

Acknowledging that the San Fernando Valley is a part of Los Angeles City, Buckley asserts that the two are separated topographically by extensive mountain ranges and that the valley residents' cultural, recreational and civic interests are concerned with the San Fernando Valley rather than the city of Los Angeles as a whole. With respect to the matter of substandard spacings, KGIL alleges that the previous station, KSFV, had been rendering service without any apparent serious degradation of service to other areas, and requests the retention of Channel 292A at San Fernando rather than assigning it to Lancaster.

5. Kippco opposes the deletion of the San Fernando assignment primarily on the basis of the type of programing previously conducted by the deleted station, KFVS, and the type of programing proposed to be reestablished there. The opposition points out that Station KFVS programed to the large Spanish-American population of San Fernando and that each one of the three tendered applications for the San Fernando assignment proposes to reestablish that type of programing. It is further contended that the existence of three applications for the channel proposed to be deleted establishes a presumption of need for its retention in San Fernando. With respect to the shortages involving Channel 292A at San Fernando, Kippco contends that short spacing is so extensive in the Los Angeles area that the proposed deletion of Channel 292A would not relieve the problem, citing numerous shortages between operating stations in the area, including the other San Fernando channel, 232A. Kippco concludes that, since it would be illogical and impossible to delete all other short-spaced assignments in the area, it would be inequitable to delete the San Fernando assignment.

6. We have carefully considered all the comments submitted in this proceeding in light of our announced policy with respect to short-spaced assignments used by stations established prior to adoption of the present standards, which become subject to deletion as a result of the termination of an existing authorization for the assignment. We have previously stated that we would consider such cases as they arise rather than by a fixed rule and that one consideration would be the need for the assignment elsewhere. In subject proceeding we proposed to reassign the channel in question to Lancaster, where such action would serve to replace Channel 300 previously assigned there and provide for a first local FM service to a relatively isolated area and an important community of substantial size. If the proposal were adopted, San Fernando would still have two fulltime and independently operated aural outlets, consisting of an FM station (KVFM) and an unlimited-time AM station (KGIL). In addition, San Fernando has available to it a multiplicity of other aural services originating from within the Los Angeles Urbanized Area, of which it is a part and, in view of its location with respect to the origination of these services, it would appear that their signal quality would be superior and more numerous than that available to the more distant Lancaster area. With respect to Buckley's contention that no new evidence exists that was not considered at the time Channel 300 was removed from Lancaster, we note that our consideration at the time included the fact that Channel 249A assigned to Mojave was available as a replacement to Lancaster upon application under the then "25-mile rule". This fact no longer holds, since the channel has since been applied for and granted to KDOL–FM at Mojave. Buckley's allegation that the previous short-spaced operation by Station KSFV provided service without apparent interference to other stations is not supported by any factual data or engineering showing, and we do not believe a convincing showing of this sort could be made. Kippco's opposition on the grounds that the tendered applications for the channel at San Fernando all propose reestablishing the type of programing conducted by the deleted station is a matter properly considered in a licensing proceeding but in our judgment it is without decisional significance in the rule making proceeding here. In general, considerations relating to programing—a matter subject to change—are not appropriate in allocations decisions such as the one here. The additional arguments advanced by Kippco that shortages among other operating stations in the Los Angeles area are so extensive that deleting the San Fernando channel would not relieve the problem is also without merit, since eliminating any short spacing increases the interference-free service area to which affected stations are otherwise entitled and, thus, although other shortages may exist, would be in the public interest.

7. In view of the foregoing, we conclude that elimination of three serious short spacings by deleting Channel 292A from San Fernando and reassigning it to Lancaster, where it can be used and meet all spacing requirements, would conform to section 307(b) of the Act and would serve the public interest. We are therefore adopting our proposal outlined above.[3]

8. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. In accordance with the determinations made above: *It is ordered*, That effective November 18, 1968, the FM Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
California:	
Lancaster	292A
San Fernando	232A

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 9, 1968.

Released: October 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 68–12498; Filed, Oct. 14, 1968; 8:48 a.m.]

[Docket No. 18259; FCC 68–1018]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Harrisonburg, Va.

Report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Harrisonburg, Va.), Docket No. 18259, RM–1308.

1. The Commission has before it for consideration its notice of proposed rule making, released July 19, 1968 (FCC 68–738), and published in the FEDERAL REGISTER on July 24, 1968 (33 F.R. 10531), inviting comments on a petition filed May 17, 1968, by Blue Ridge Radio, Inc., requesting the assignment of FM Channel 282 to Harrisonburg, Va., as follows:

City	Channel No.	
	Present	Proposed
Harrisonburg, Va.	264	264, 282

Harrisonburg, with a population of 11,916 persons, is the county seat and largest city of Rockingham County, which has a population of 52,401.[1] The community has one FM station as well as two daytime-only and one unlimited AM stations. The FM and unlimited AM stations (WSVA (AM/FM)) are operated by a common licensee; petitioner is licensee of one of the daytime-only stations (WKCY).

2. The petitioner estimates that Harrisonburg's present population is 15,000 persons with another 3,000 in the suburbs, and that Rockingham County has a population in excess of 62,000 persons. It is further estimated that the city serves the shopping needs of 100,000 people within a radius of 100 miles.[2] It is

[3] A petition for rule making (RM–1309) was filed May 20, 1968, by Mende, Inc., licensee of KUTY(AM), Palmdale, Calif., requesting assignment of Channel 244A to Lancaster, on which action has been withheld pending the outcome of instant proceeding. It is noted that Channel 244A, if not assigned to Lancaster, would also be technically feasible in a number of communities without any FM assignments in Ventura County, including Santa Paula, Fillmore, Camarillo, and Saticoy with populations ranging from 2,283 to 13,279.

[4] Chairman Hyde absent.

[1] Populations herein are based on 1960 U.S. Census, unless otherwise indicated.

[2] Petitioner's estimate based on Chamber of Commerce reports.

noted by petitioner that, although Rockingham County has been known as one of the foremost agricultural counties in the Nation, a diversified industrial growth has taken place within the past decade. The petitioner contends that the general area is experiencing a significant growth in population, industry and general importance. It is pointed out that there are no FM stations in the adjacent Virginia counties of Shenandoah and Page, and portions of both would be served by operation on the proposed channel. Blue Ridge states that the requested assignment would result in a second FM service to Harrisonburg and to a "gray area" of approximately 1,000 square miles in the Shenandoah Valley. Finally, it is urged that, since the only other AM–FM stations (nighttime) in Harrisonburg are under the same ownership, the requested assignment would permit a second independent nighttime facility for the Harrisonburg area.

3. Harrisonburg is located within an area known as the "Quiet Zone," geographically defined by § 73.215 of the rules, which has been established to protect radio facilities operated by the National Radio Astronomy Observatory (NRAO) and the Naval Radio Research Station (NRRS) at Greenbank and Sugar Grove, W. Va., respectively. By report and order, Docket No. 16991, released February 17, 1967 (6 FCC 2d 793), all unoccupied FM assignments for communities located within the above-described area were deleted from the Table of Assignments, including Channel 288A then assigned to Harrisonburg. The order indicated, however, that consideration would be given to future petitions for additional assignments in the Quiet Zone, but it was noted that such requests would be judged on the impact they would have on the work being done at the two installations. The petitioner reports that extensive studies were conducted in coordination with both NRAO and NRRS to determine a specific channel, antenna site and antenna design which would meet the protection requirements of the agencies and at the same time provide service to Harrisonburg and environs. Copies of letters from the NRAO and the NRRS are included with the petition which indicate that the proposed operation appears satisfactory, providing certain specified radiation limitations in the direction of their respective installations are met.

4. A site for Channel 282 would need to be located about 16 miles west of Harrisonburg in order to meet the spacing requirements of the rules. An engineering study accompanying the petition indicates that the spacing requirements and the required signal over Harrisonburg can be obtained by use of the equivalent of maximum Class B facilities from the tentative site found acceptable to NRAO, NRRS, and the petitioner. The engineering study further shows that there would result areas where Channels 280A, 281, 282, 283, and 285A would be precluded from future assignment if Channel 282 were assigned to Harrisonburg as proposed. However, it is noted that the greater part of the preclusion areas fall over sparsely populated and mountainous areas and no community of 800[3] or more population would be wholly included within the areas.

5. Opposition to the proposal herein was filed by Gilmore Broadcasting Corporation of Virginia, licensee of WSVA–AM–FM–TV, Harrisonburg, based upon two principal contentions: (1) That the proposal would preclude use of the proposed and certain related adjacent channels by other communities; and (2) that the operation would have an adverse impact on the possibilities of future assignments in the Quiet Zone as well as causing an erosion effect on the ultimate utility of the Quiet Zone. In support of its first contention, five previous cases are cited by Gilmore where requests for second FM assignments in communities were denied on the basis of preclusion of future assignments to other communities.[4] It is submitted that because of the preclusion aspects in the instant proposal, its rejection would be consistent with the decisions in the above-cited cases. In Gilmore's second contention it is alleged that the proposed assignment might preclude other possible assignments to Quiet Zone communities (for which there may be a greater need) because of its contribution to the maximum level of toleration consistent with NRAO and NRRS policies. On the basis of comments filed by NRAO in connection with the original petition expressing concern from a long-range standpoint about cumulative effects of case-to-case granting of additional facilities on the purpose of the Quiet Zone.[5] Gilmore urges that Blue Ridge has not demonstrated a compelling public interest justification for undermining the astronomy operations being conducted within the zone.

6. Because of significant dissimilarities between the cases cited above by Gilmore and the proposal before us, we do not agree that they constitute authority for denial on the grounds of preclusion. In the cases cited, all but one (Columbia, Tenn.) are smaller (less than 8,600 population) than is Harrisonburg. More importantly, in every case cited the communities referred to as being precluded—and for which either no other channel was or could be shown to be available—were each larger (1,086 to 9,013) than the precluded communities involved here. By contrast, Blue Ridge has shown in its reply that the some six communities contained within the preclusion areas resulting from its proposal—except for Elkins, W. Va. (population 8,307), which merely borders the preclusion area of Channel 281—are extremely small with populations ranging from 128 to 758 persons. In the case of Elkins, it appears that at least two other channels (232A, 280A) are assignable there insofar as separation requirements are concerned. The opposition does not mention any specific community contained in the preclusion areas as being in need of an FM assignment, nor does it allege that other channels are not available.[6] On balance we conclude that, because of the very limited size of the communities concerned, the proposed assignment to Harrisonburg should be preferred, under the provisions of section 307(b) of the Act, as better serving the public interest. Furthermore, Gilmore's contentions relating to various impacts to the Quiet Zone if the proposed assignment were made are unsupported by specific facts or technical data and, thus, are too speculative in nature for us to attach significance. As we previously indicated in the notice instituting this proceeding,[7] we are of the opinion that determination of what constitutes proper long-term protection in the zone may be a subject for separate consideration upon receipt of appropriate representations advocating revision of the rules which provide protection to the Quiet Zone. Until such time as the tolerance level may be established, or means are adopted for better evaluating the impact that a specific proposal may have from a long-range standpoint, we consider that the coordinating procedures presently provided by both our policy expressed in Docket 16991 (concerning future requests for channel assignments in the zone)[8] and § 73.215 (concerning specific applications) afford ample opportunity for protecting the interests and operations of NRAO and NRRS in this area.

7. After careful consideration of all comments and data submitted in this proceeding, we are of the view that the proposal to assign a second Class B channel to Harrisonburg would serve the public interest and should be adopted. The action would offer the possibility of providing a second local FM service (third aural nighttime) to Harrisonburg and a large area of the Shenandoah Valley, an area primarily rural in nature and uniquely situated between two mountain ranges which tend to isolate the area from other services. The assignment would also serve to replace Channel 288A formerly listed for Harrisonburg in the original Table of Assignments but deleted therefrom pursuant to action in Docket 16991. In addition, assignment of a Class B channel would serve to equalize the technical disparity between the formerly assigned Class A channel and the existing Class B operation. The preclusion aspects are considered to be minimal. As discussed above (paragraph 3), the petitioner has adequately satisfied

[3] The notice referred to "2500". The revised figure is based on population data furnished in comments by Blue Ridge.

[4] Cases cited are: Columbia, Tennessee, 2 FCC 2d 647; Mt. Carmel, Illinois, 4 FCC 2d 402; Lebanon & Willow Springs, Missouri, 5 FCC 2d 633; Crossville, Tennessee, 8 FCC 2d 391; and Kingstree, South Carolina, 13 RR 2d 1562.

[5] See paragraph 5, notice of proposed rule making, Docket 18259, FCC 68–738, instituting this proceeding.

[6] Blue Ridge suggests that further study would show channels available to the small precluded communities, but no specific showing is furnished.

[7] See footnote 5.

[8] See report and order, Docket 16991, FCC 67–227, 6 FCC 2d 793.

the prerequisite requirements of coordinating the assignment with NRAO and NRRS.[9] In view of the foregoing, we are adopting the proposal to assign Channel 282 to Harrisonburg, Va.

8. Authority for the adoption of the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. In accordance with the foregoing determination: *It is ordered,* That effective November 18, 1968, § 73.202(b) of the Commisison's rules, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	Channel No.
Virginia:	
Harrisonburg	264, 282

10. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 9, 1968.

Released: October 11, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12499; Filed, Oct. 14, 1968; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 362—REGULATIONS FOR ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pesticides Containing Sodium Arsenite and Arsenic Trioxide Compounds; Postponement of Effective Date

On July 25, Interpretation No. 25 of the Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act was published in the FEDERAL REGISTER (33 F.R. 10561) setting forth certain requirements with respect to registration of pesticides containing sodium arsenite and arsenic trioxide compounds. This interpretation was scheduled to become effective 90 days after its publication.

After publication of this interpretation, additional information was submitted which requires further study. In order to enable evaluation of this information before this interpretation becomes effective, it is necessary that the effective date be delayed. Therefore, the effective date of the interpretation is delayed until further notice.

Done at Washington, D.C., this 4th day of October 1968.

HARRY W. HAYS,
Director,
Pesticides Regulation Division.

[F.R. Doc. 68-12510; Filed, Oct. 14, 1968; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Export Reg. 16]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Export Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments, including those in export other than to Canada and Mexico, of oranges including Temple and Murcott Honey oranges, grapefruit, and tangelos, grown in the production area, are in progress or will begin in the near future and, insofar as possible, all such export shipments should be subject to regulation in order to prevent the shipment of undesirable fruit; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, other than to Canada or Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 8, 1968; such meeting was held to consider recommendations for regulation on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 905.509 Export Regulation 16.

(a) *Order.* (1) During the period October 14, 1968, through September 14, 1969, no handler shall ship to any destination outside the continental United States, other than to Canada or Mexico:

(i) Any oranges, including Temple and Murcott Honey oranges, grapefruit, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, including Murcott Honey oranges but not including Temple oranges, grown in the production area, which are of a size smaller than 2 4/16 inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended U.S. Standards for Florida Oranges and Tangelos;

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the aforesaid United States Standards for Florida Oranges and Tangelos;

(iv) Any grapefruit, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit; or

(v) Any tangelos, grown in the production area, which are of a size smaller than 2 5/16 inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended

[9] Although NRAO and NRRS have indicated that the contemplated operation by petitioner herein is acceptable subject to radiation limitations in certain directions, prospective applicants for the channel assignment adopted here are advised that they will nevertheless be required to follow the application notification procedure prescribed by § 73.215 of the rules.

[10] Chairman Hyde absent.

U.S. Standards for Florida Oranges and Tangelos.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter as used herein, shall have the same meaning as is given to the respective terms in the revised U.S. Standards for Florida Grapefruit (§§ 51.750–51.783 of this title) or the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12536; Filed, Oct. 11, 1968; 1:52 p.m.]

[Grapefruit Reg. 35]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an open meeting on September 26, 1968, to consider recommendation for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such open meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received on October 4, 1968; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of grapefruit at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

§ 909.335 Grapefruit Regulation 35.

(a) Order: (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period October 13, 1968, through August 30, 1969, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this section shall include the requirements that the grapefruit be well colored, instead of slightly colored, and free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That the tolerance prescribed for the U.S. No. 2 grade shall be the tolerance applicable to the requirements of this subparagraph except that an additional tolerance of 15 percent shall be allowed for grapefruit having light colored scarring on an aggregate of more than 25 percent of the fruit surface and a tolerance of 5 percent shall be allowed for grapefruit having peel more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than $3^{11}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3^{11}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3^{11}/_{16}$ inches in diameter directly to a destination in Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 2 the grapefruit does not measure less than $3^{6}/_{16}$ inches in diameter: *Provided,* That a tolerance of 5 percent, by count, of grapefruit smaller than $3^{6}/_{16}$ inches in diameter shall be permitted, which tolerance shall be applied in accordance with the aforesaid provisions for the application of tolerances and, in determining the percentage of grapefruit in any lot which are smaller than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are $3^{13}/_{16}$ inches in diameter and smaller.

(b) As used herein, "handler," "grapefruit," "handle," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U.S. No. 2" and "well colored" shall have the same meaning as when used in the aforesaid revised U.S. Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 10, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12537; Filed, Oct. 11, 1968; 1:52 p.m.]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, was published in the FEDERAL REGISTER, October 5, 1968 (33 F.R. 14970). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons opportunity to file written data, views, or arguments pertaining thereto not later than 5 days after publication. Within the period specified, written comments were filed by Eugene Weston, partner of Pre-peeled Potato Co., Post Office Box 111, Stockton, Calif. 95201; J. L. Borges, Manager, Bud's Spuds Potato Processing Co., 2040 Broadway, Vallejo, Calif. 94590; Jack Vogel of Ben Vogel & Son, Post Office Box 111, Stockton, Calif. 95201; R. W. Jones, Owner, Chef's Best Food Co., 3122 20th Avenue, Sacramento, Calif. 95820; E. P. Benick, Granny Goose Foods, Prepared Potato Division, 930 98th Avenue, Oakland,

Calif. 94603; and Jack L. Russell, Secretary, Western Fresh Potato Processors Association, 16505 Worthley Drive, San Lorenzo, Calif. 94580.

After consideration of all relevant matter presented, including the written comments filed, the proposal set forth in the aforesaid notice which was recommended by the Oregon-California Potato Committee, established pursuant to the said amended marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this regulation effective at the time herein provided and for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of 1968 crop potatoes grown in the production area have been, and currently are, subject to the limitation of shipments regulation (§ 947.326, 33 F.R. 9758) which expires October 14, 1968; (2) it is necessary, in order to effectuate the declared policy of the act and maximize benefits to growers, to provide for the continued regulation of shipments of potatoes during the period, and in the manner specified herein; (3) producers and handlers have operated under marketing order regulations since 1948 and special preparation by handlers is not required, which cannot be completed by the effective date; (4) notice of the proposed regulation, for the period herein specified, has been given to producers and handlers of potatoes in the production area and was published in the FEDERAL REGISTER of October 5, 1968 (33 F.R. 14970).

§ 947.327 Limitation of shipments.

During the period October 15, 1968, through October 15, 1969, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), (e), (f), and (g) of this section.

(a) *Minimum quality requirements*—(1) *Grade.* All varieties—U.S. No. 2, or better grade.

(2) *Size.* All varieties—6 ounces minimum weight, except that potatoes which are 2 inches minimum diameter or 4 ounces minimum weight may be handled if they are U.S. No. 1, or better grade.

(b) *Minimum maturity requirements*—(1) All varieties—"Slightly skinned," provided that during the period July 1, 1969, through August 31, 1969, the minimum maturity requirement for the White Rose variety and round varieties shall be "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of any variety of a lot of potatoes may be handled for any producer any seven consecutive days without regard to the aforesaid maturity requirements. Prior to each shipment of potatoes exempt from the above maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* The minimum grade, size, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed.

(2) Grading and storing, planting, or livestock feed: *Provided,* That potatoes may not be shipped for such purposes outside of the district where grown except that: (i) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading and storing, for planting, or for livestock feed within, or to, such districts for such purposes; (ii) Potatoes grown in any one district may be shipped to a receiver in any other district within the production area for grading if such receiver is substantiated and recognized by the committee as a processor of canned, frozen, dehydrated, potato chips, or prepeeled products.

(3) Charity.

(4) Starch.

(5) Canning or freezing.

(6) Export.

(7) Potato chipping.

(d) *Safeguards.* (1) Each handler making shipments of certified seed, except those lots with a maximum size of 2 inches in diameter which are handled for planting within the district where grown or between District No. 2 and District No. 4, pursuant to paragraph (c) of this section shall pay assessments on such shipments and shall furnish the committee with either a copy of the applicable certified seed inspection certificate or shall apply for and obtain a Certificate of Privilege and, upon request of the committee, furnish reports of each shipment made pursuant to each Certificate of Privilege.

(2) Each handler making shipments of potatoes for canning, freezing, export, or potato chipping, pursuant to subparagraphs 5 through 7 of paragraph (c) of this section and each receiver receiving potatoes pursuant to subparagraph (2)(ii) of paragraph (c) of this section, shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) Prepare, on forms furnished by the committee, a diversion report in quadruplicate on each individual shipment diverted from fresh market channels to the authorized outlets specified in this subparagraph.

(iii) Forward one copy of such diversion report to the committee office and forward two copies to the receiver with instructions to the receiver that he sign and return one copy to the committee office. The handler and receiver may each keep one copy for their files. Failure of handler or receiver to report such shipments by promptly signing and returning the applicable diversion report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the receiver's eligibility to receive further shipments pursuant to any Certificate of Privilege. Upon the cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(e) *Minimum quantity exception.* Each handler may ship up to but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds 5 hundredweight of potatoes.

(f) *Inspection.* For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, or unless handled (1) for potato chipping in accordance with paragraph (c) of this section, or (2) for prepeeling, each required inspection certificate is hereby determined, pursuant to § 947.60 (c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in refrigerated storage within 14 days of the inspection shall be the entire period such potatoes remain in such storage.

(g) Any lot of potatoes previously inspected pursuant to § 947.60(a) is not required to have additional inspection under § 947.60(b) after regrading, resorting or repacking such potatoes, if the inspection certificate is valid at the time of handling such regraded, resorted, or repacked potatoes.

(h) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "moderately skinned," and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421–52.2433 of this title). Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 11, 1968, to become effective October 15, 1968, at 12:01 a.m. at which time § 947.326 *Limitation of Shipments* (33 F.R. 9758) shall terminate.

PAUL A NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68–12572; Filed, Oct. 14, 1968; 9:00 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

AMISTAD RECREATION AREA, TEX.

Alcoholic Beverages

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DM–I (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwestern Regional Order No. 4 (31 F.R. 8134), as amended, it is proposed to add § 7.79 to Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this regulation is to prohibit sale of, or gift of, alcoholic beverages to minors, or the possession of such intoxicating beverages by minors.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Amistad Recreation Area, Post Office Box 1463, Del Rio, Tex. 78840, within 30 days of the publication of this notice in the FEDERAL REGISTER.

A new section, § 7.79, is added to this part as follows:

§ 7.79 Amistad Recreation Area.

(a) *Alcoholic beverages.* (1) The sale or gift of an alcoholic beverage to a person under 21 years of age is prohibited.

(2) Possession of alcoholic beverages by persons under 21 years of age is prohibited.

FRED V. VEST,
Acting Superintendent.

[F.R. Doc. 68–12453; Filed, Oct. 14, 1968; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[41 CFR Part 50–204]

FEDERAL SUPPLY CONTRACTS

Safety and Health Standards

On September 20, 1968, I published in the FEDERAL REGISTER (33 F.R. 14258) a notice of proposal to revise the safety and health standards for Federal supply contracts (41 CFR Part 50–204), established pursuant to the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), to read as set forth in such notice. A hearing on such proposal was set for November 6, 1968, and will be held as scheduled except as to section 50–204.35, Radiation Standards for Mining.

As to § 50–204.35, I have decided that the radiation standards for mining set forth in that section of the proposed revision of 41 CFR Part 50–204 should be the subject of a separate hearing.

On June 10, 1967, I placed into effect "Radiation Standards for Uranium Mining" and, on December 14, 1967, I placed into effect "Radiation Standards for Mining" (41 CFR 50–204.321) which established a working level standard of no more than 1.8 working level months in any consecutive 3-month period and no more than 3.6 working level months in any consecutive 12-month period, with a proviso that mines with conditions that would result in an exposure of more than 3.6 working level months but not more than 12 working level months in any 12 consecutive months will be considered in compliance up to January 1, 1969, if an effective program is established and carried out to (1) protect the health and safety of employees exposed to these conditions, and (2) reduce the concentration to the 3.6 working level months standard by January 1, 1969. Such standard has been carried forward in § 50–204.35 of the proposed revision of 41 CFR Part 50–204.

In order to allow an opportunity for any person to show cause why the standard should not become fully implemented on January 1, 1969, oral data, views, or argument from interested persons concerning section 50–204.35 will be received by hearing examiner E. West Parkinson or John B. Mealy at a separate hearing on November 20, 1968, beginning at 9:30 a.m., in Room 102 A, B, C, D of the U.S. Department of Labor Building at 14th Street and Constitution Avenue NW., Washington, D.C.

Any person may participate in oral proceedings by filing (by mail) a notice of his intention to do so with the Director, Bureau of Labor Standards, Wage and Labor Standards Administration, U.S. Department of Labor, Washington, D.C. 20212, at least 10 days before the date above set for them. The notice shall state the name and address of the person who is to appear, specify his interest, and indicate the amount of time his presentation will require. Interested persons may also submit written data, views, or argument by mailing them in quadruplicate to the Director of the Bureau of Labor Standards not later than 5 days before the date of the oral proceedings.

The oral proceedings shall be reported, and transcripts shall be available to any interested person on such terms as the hearing examiner may provide. The hearing examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters and confine the presentations to matters pertinent to this proposal. He shall have discretion to keep the record open for a reasonable, stated time to receive written recommendations and supporting reasons and additional data, views or argument from persons who have participated in the oral proceedings.

Upon completion of the oral proceedings, the transcript thereof, together with the exhibits, written submissions and all posthearing recommendations and supporting reasons shall be certified to the Secretary of Labor. Upon consideration of such matters and of such other information as may be available, the Secretary will issue such regulations as he will deem appropriate.

Signed at Washington, D.C., this 11th day of October 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68–12583; Filed, Oct. 14, 1968; 10:01 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 74]

CLINICAL LABORATORIES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to issue a new Part 74 as set out below prescribing regulations under the Clinical Laboratories Improvement Act of 1967, section 353 of the Public Health Service Act, as amended, Public Law 90–174, 42 U.S.C. 263a. The regulations include standards which are designed to assure consistent performance of accurate laboratory procedures and services and provisions relating to application for and issuance of licenses, accreditation by national bodies, and exemptions. Provisions relating to the conduct of hearings will be published separately.

Inquiries may be addressed, and data, views, and arguments may be submitted. in writing, in triplicate, to the Director, National Communicable Disease Center, 1600 Clifton Road NE., Atlanta, Ga. 30333. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make the regulations effective 30 days after publication in the FEDERAL REGISTER.

The new Part 74, to be added to Subchapter F, Chapter I of Title 42, Code of Federal Regulations, would provide as follows:

PART 74—CLINICAL LABORATORIES

Subpart A—Definitions and Applicability

Subpart B—License: Application and Issuance

Subpart C—Quality Control

Subpart D—Personnel Standards

Subpart E—Proficiency Testing

Subpart F—Accreditation—State Laws—Stringency of Standards—Termination

Subpart G—General Provisions

AUTHORITY: The provisions of this Part 74 issued under sec. 215, 58 Stat. 690; 42 U.S.C. 216.

Subpart A—Definitions and Applicability

§ 74.1 Definitions.

(a) As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(b) "Accredited institution" means an institution accredited by an agency or organization recognized for such purpose by the U.S. Commissioner of Education.

(c) "Accredited laboratory" means a laboratory, or a laboratory in a hospital, accredited by an approved accreditation body.

(d) "Act" means the Public Health Service Act, as amended, 42 U.S.C. 201, et seq.

(e) "Approved accreditation body" means, with respect to hospitals, Joint Commission on the Accreditation of Hospitals, or American Osteopathic Association, and with respect to laboratories, Commission on Inspection and Accreditation of the College of American Pathologists; or any other national accreditation body which has been approved by the Secretary as provided in section 353 of the Act.

(f) "Director" means the Director of the National Communicable Disease Center, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

(g) "Health insurance program" means the program created under Title XVIII of the Social Security Act, pursuant to which individuals are entitled to have payments made on their behalf for services performed by independent laboratories as provided in Title 20, Code of Federal Regulations, Part 405, Subpart M.

(h) A "physician" is a person licensed to practice medicine or osteopathy in any state or possession of the United States.

(i) A "referee laboratory" is a laboratory designated by the Secretary to examine specimens or other materials for purposes of proficiency testing using the same time schedule allowed for licensed laboratories and under conditions similar to those under which licensed laboratories examine materials.

(j) A "reference laboratory" is a laboratory designated by the Secretary to authenticate the identification, content, and titer of samples and other materials used or to be used in proficiency testing.

(k) "Secretary" means the Secretary of Health, Education, and Welfare or his designee.

(l) "Specimen" means any material derived from the human body for examination or other procedure for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, man.

§ 74.2 Applicability.

(a) Except as otherwise provided herein, the regulations in this part apply to laboratories engaged in the laboratory examination of, or other laboratory procedures relating to, specimens solicited or accepted in interstate commerce directly or indirectly, for the purpose of providing information for the diagnosis, prevention, or treatment of and disease or impairment, or the assessment of the health, of man.

(b) The regulations in this part do not apply to the following:[1]

(1) Any laboratory with respect to any category in which it accepts no more than 100 specimens during any calendar year. For purposes of this paragraph, a category shall be one of the following: (i) Microbiology and serology; (ii) clinical chemistry; (iii) immuno-hematology; (iv) hematology; (v) pathology; (vi) radiobioassay.

(2) Any clinical laboratory operated by a licensed physician, osteopath, dentist, or podiatrist, or group thereof, who performs or perform laboratory tests or procedures solely as an adjunct to the treatment of his or their patients.

(3) Any laboratory with respect to tests or other procedures made by it for any person engaged in the business of insurance if made solely for the purposes of determining whether to write an insurance contract or of determining eligibility for payments thereunder pursuant to section 353(i) of the Act.

(4) Clinical laboratories exempted by the Secretary pursuant to section 353(l) of the Act.

(c) The requirements of this part for the issuance and renewal of licenses do not apply to an accredited laboratory: *Provided,* That the Secretary finds that the standards applied by the accrediting body are equal to or more stringent than the provisions of the Act and of this part and there is adequate provision for assuring that such standards continue to be met by such hospital and such laboratory: *Provided further,* That the laboratory holds an unrevoked and unsuspended letter of exemption issued pursuant to § 74.46.

Subpart B—License: Applications and Issuance

§ 74.10 License application.

(a) An application for the issuance or renewal of a license for a laboratory applicable to one or more laboratory procedures or categories of laboratory procedures for which standards are set out herein may be made to the Director by the owner, operator, or authorized representative of such laboratory.

(b) The application shall be made on a form or forms prescribed by the Secretary, signed by the owner, operator, or by an authorized representative, and shall contain or be accompanied by such information, agreements and data as the Secretary may require, including an agreement that the applicant will operate the laboratory in accordance with standards which have been prescribed by the Secretary to carry out the purposes of the Act.

(c) A separate application must be filed for each laboratory location.

(d) An application for the issuance or renewal of a license shall be accompanied by the appropriate fee. The amount of the fee shall be $25 per annum for each of the categories enumerated in § 74.2(b)(1): *Provided,* That such fee of $25 per annum shall be imposed without regard to the number of procedures within each such category to which the license is applicable: *Provided further,* That the maximum fee required for each laboratory shall not exceed $125 per annum.

(e) Licenses shall be issued to be applicable to one or more of the following procedures or categories of procedures except upon application for a limited license approved by the Secretary:

[1] NOTE: The coverage of services of independent laboratories under section 1861 of the Social Security Act, as amended, 42 U.S.C. 1395x, is subject to the provisions of Title 20, Code of Federal Regulations, Part 405, and the regulation of biological products under section 351 of the Public Health Service Act, as amended, 42 U.S.C. 262, is subject to the provisions of Title 42, Code of Federal Regulations, Part 73.

(1) Microbiology and serology:
(i) Bacteriology.
(ii) Mycology.
(iii) Parasitology.
(iv) Virology.
(v) Serology (syphilis).
(vi) Serology (nonsyphilis).
(2) Clinical chemistry:
(i) Blood and cerebrospinal fluid chemistry.
(ii) Endocrinology.
(iii) Toxicology.
(iv) Urinalysis.
(3) Immuno-hematology.
(4) Hematology.
(5) Pathology:
(i) Exfoliative cytology.
(ii) Histopathology.
(iii) Oral pathology.
(6) Radiobioassay.

(f) A timely application for the renewal of a license shall be one submitted not less than 30 days nor more than 60 days prior to the expiration of the period for which the license was issued.

§ 74.11 Issuance or renewal of license.

(a) If, after a review of the application and such additional information as the Secretary may require and an on-site inspection of the laboratory premises with respect to which the license is sought, the Secretary is satisfied that such laboratory will be operated in accordance with the standards and other requirements of the Act and of this part and will provide consistent performance of accurate laboratory procedures and services, he shall issue an initial or renewal license with respect to such laboratory applicable to laboratory procedures or categories of procedures as specified therein.

(b) Such initial or renewal license shall be issued for a term of 1 year.

(c) If the Secretary determines that the application for the issuance or renewal of a license shall not be granted in whole or in part, he will, prior to denial of such application, give reasonable notice and opportunity for a hearing as provided herein to the applicant and a statement of the grounds on which it is proposed to deny the application or any part thereof.

§ 74.12 Repetitious applications.

Where an application for a license has been denied in whole or in part, or a license has been revoked or limited, an application for a license to be applicable to procedures or categories of procedures affected by such adverse action made by or on behalf of the same applicant or licensee, shall not be accepted for consideration until after 1 year from the effective date of the adverse action: *Provided,* That upon good cause found, the Secretary may waive the application of this section.

Subpart C—Quality Control

§ 74.20 General.

Quality controls imposed and practiced by the laboratory must provide for and assure:

(a) Preventive maintenance, periodic inspection, or testing for proper operation of equipment and instruments; validation of methods, evaluation of reagents and volumetric equipment, surveillance of results; remedial action to be taken in response to detected defects.

(b) Adequacy of facilities, equipment, instruments, and methods for performance of the procedures or categories of procedures for which a license application is filed or granted; proper lighting for accuracy and precision; convenient location of essential utilities; monitoring of temperature controlled spaces and equipment, including water baths, incubators, sterilizers, and refrigerators, to assure proper performance; evaluation of analytical measuring devices, such as photometers and radioactivity counting equipment, with respect to all critical operating characteristics.

(c) Labeling of all reagents and solutions to indicate identity, titer, strength, or concentration, and other pertinent information such as recommended storage and preparation or expiration date.

(d) The availability at all times, in the immediate bench area of personnel engaged in examining specimens and related procedures, of complete written descriptions and instructions relating to all analytical methods used by the laboratory, properly designated and dated to reflect the most recent supervisory review, and of reagents, control and calibration procedures, and pertinent literature references. Text books may be used as supplements to such written descriptions but may not be used in lieu thereof.

(e) Written approval by the director or supervisor of all changes in laboratory procedures.

(f) Maintenance and availability to laboratory personnel and to the Secretary of records reflecting dates, and where appropriate the nature, of inspection, validation, remedial action, monitoring, evaluation, and changes and dates of changes in laboratory procedures.

§ 74.21 Microbiology.

Chemical and biological solutions, reagents, and antisera shall be tested and inspected each day of use for reactivity and deterioration. Materials of substandard reactivity and deteriorated materials may not be used.

(a) *Bacteriology and mycology.* Staining materials shall be tested for intended reactivity by concurrent application to smears or microorganisms with predictable staining characteristics. Each batch of medium shall be tested before or concurrently with use with selected organisms to confirm required growth characteristics, selectivity, enrichment, and biochemical response.

(b) *Parasitology.* A reference collection of slides, photographs, or gross specimens of identified parasites shall be available in the laboratory for appropriate comparison with diagnostic specimens. A calibrated ocular micrometer shall be used for determining the size of ova and parasites.

(c) *Virology.* Systems for the isolation of viruses and reagents for the identification of viruses shall be available to cover the entire range of viruses which are etiologically related to clinical diseases for which services are offered. Records shall be maintained which reflect the systems used and the reactions observed. In tests for the identification of viruses, controls shall be employed which will identify erroneous results. If serodiagnostic tests for virus diseases are performed, requirements for quality control as specified for serology shall apply.

§ 74.22 Serology.

(a) Serologic tests on unknown specimens shall be run concurrently with a positive control serum of known titer to insure sensitivity and a negative control serum to insure specificity of antigen reactivity. Controls for all test components (antigens, complement, erythrocyte indicator systems, etc.), shall be employed to insure reactivity and uniform dosage.

(b) Each new lot of reagent shall be tested concurrently with one of known acceptable reactivity before the new reagent is placed in routine use. Controls of graded reactivity shall be included each time tests are performed in order to detect variations in reactivity levels. Tests shall not be performed or results reported unless the predetermined reactivity pattern of the controls is obtained.

(c) Standards and controls for serologic tests for syphilis shall conform to those recommended in the "Manual of Serologic Tests for Syphilis," U.S. Public Health Service Publication No. 411, May 1964.[2]

§ 74.23 Clinical chemistry.

(a) Each procedure shall be recalibrated or rechecked at least once on each day of use. Records shall be maintained and be available to laboratory personnel and the Secretary which document the routine precision of each method, automated or manual, and its recalibration schedule. At least one standard or one reference sample (control) shall be included with each run of unknown specimens. Control limits for standards and reference samples shall be recorded and displayed on a control chart and shall include the course of action to be instituted when the results are outside the acceptable limits.

(b) Screening or qualitative chemical urinalysis shall be checked daily by use of suitable reference samples.

§ 74.24 Immuno-hematology.

(a) ABO grouping shall be performed by testing unknown red cells with potent anti-A and anti-B grouping serums. For confirmation of ABO grouping, the unknown serum shall be tested with known A_1 and B red cells.

(b) The potency and reliability of reagents shall be checked each day of use.

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[2] Obtainable from U.S. Government Printing Office.

(c) The Rh_o(D) type shall be determined by testing unknown red cells suspended in a protein medium with potent albumin fortified anti-Rh_o(D) serum. anti-Rh_o''(CD), anti-Rh_o''(DE), and anti-Rh_orh'rh''(CDE) serums may be used for typing donor blood if desired. All Rh_o(D) negative donor cells shall be tested for D^u. A control system of patient's cells suspended in his own serum or in albumin shall be employed. The potency of the anti-Rh_o(D) serum shall be tested each day of use against an appropriate protein concentration of known Rh_o(D) positive and negative cells.

(d) Reactivity of known red cells used for antibody screening shall be tested each day of use with a suitable positive and negative control. The reactivity of antihuman globulin reagents (Coombs' serum) shall be tested each day of use and whenever a new lot of reagent is used.

§ 74.25 Hematology.

Instruments and other devices used in hematological examination of specimens shall be recalibrated or retested or reinspected, as may be appropriate, each day of use. Each procedure shall be recalibrated or rechecked each day of use with standards or controls covering the entire range of expected values. Tests such as the one-stage prothrombin time test shall be run in duplicate unless the laboratory can demonstrate that low frequency of random error or high precision makes such testing unnecessary. Reference materials, such as hemoglobin pools, latex particles, and stabilized cells, shall be tested at least once each day of use to insure accuracy of results. Standard deviation, coefficient of variation, or other statistical estimates of precision shall be determined by random replicate testing of reference materials. The accuracy and precision of blood cell counts and hematocrit and hemoglobin measurements shall be tested each day of use.

§ 74.26 Exfoliative cytology; histopathology; oral pathology.

(a) *Exfoliative cytology.* The laboratory director or supervisor qualified in cytology shall rescreen for proper staining and correct interpretation at least a 10-percent random sample of cervical smears which have been interpreted to be in one of the benign categories by personnel not possessing director or supervisor qualifications. All cervical smears suspected of being positive by screeners shall be confirmed by the laboratory director or qualified supervisor, and the report shall be signed by a physician. All noncervical cytological preparations, positive and negative, shall be reviewed by a director or supervisor qualified in cytology. All smears shall be retained for not less than 2 years from date of examination.

(b) *Histopathology and oral pathology.* All special stains shall be controlled for intended reactivity by use of positive and negative slides. Stained slides shall be retained for not less than 2 years from date of examination and blocks shall be retained for not less than 1 year from such date. Wet tissue shall be preserved in a fixative solution or in a frozen state or otherwise as may be appropriate and retained until a histological diagnosis has been made by the laboratory.

§ 74.27 Radiobioassay.

Radioactivity counting equipment shall be monitored daily with respect to all critical operating characteristics. The counting equipment shall be checked for stability at least once on each day of use, with radioactive standards or reference sources. Reference samples with known activity and within expected levels of normal samples, shall be processed in replicate quarterly. For each method, records shall be maintained and be available to staff and to the Secretary which document the routine precision and the recalibration schedule.

Subpart D—Personnel Standards

§ 74.30 General applicability of regulations prescribed under Title 20, Code of Federal Regulations.

Except as otherwise provided herein, the standards for qualifications of the director and other personnel and for competency to perform procedures are the standards prescribed in §§ 405.1312, 405.1313, 405.1314, and 405.1315(a)(b), Title 20, Code of Federal Regulations, for coverage of services of independent laboratories.

§ 74.31 Exceptions and additions.

For purposes of meeting the requirements of this part—

(a) The exception specified in 20 CFR 405.1312(b)(4) for the period ending June 30, 1971, may be made if (1) the conditions prescribed therein are met or (2) if the conditions prescribed in 20 CFR 405.1312(b)(4)(i) are met and if the laboratory meets the applicable proficiency standards prescribed in this part.

(b) The director who qualified under paragraph (a) of this section, may continue to qualify after June 30, 1971—

(1) If the conditions specified in 20 CFR 405.1312(b)(5) are met; or

(2) (i) If the laboratory he directs meets the standards prescribed in this part and (ii) the laboratory which he directs meets the standards for proficiency prescribed herein for at least 2 consecutive years in the period between January 1, 1969, and July 1, 1971, and annually thereafter in all the specialties or subspecialties for which the laboratory is licensed except that if the director first qualifies under paragraph (a) of this section after December 31, 1968, but before July 1, 1971, the period referred to above in this subdivision (ii) shall begin on the date he first qualified and the laboratory he directs, if otherwise meeting the standards in this part, shall be deemed to meet the standards as required in this subdivision beginning with the date the director so qualified.

(c) The requirement specified in 20 CFR 405.1313(a)(1) for the presence of a general supervisor on the laboratory premises during all hours in which tests are being performed shall not be applicable to the performance of procedures required for emergency purposes provided that the person performing the test is qualified under this part to perform the examination and the results of his work are reviewed by the supervisor or director during his next duty period.

(d) The exception specified in 20 CFR 405.1313(b)(5) may be made if (1) the conditions prescribed therein are met or (2) if the supervisor was performing the duties of a clinical laboratory supervisor on January 1, 1968, or between July 1, 1961, and January 1, 1968, and has had at least 15 years of pertinent laboratory experience prior to January 1, 1968 (the required years of experience may be reduced as provided in such 20 CFR 405.1313(b)(5)).

(e) The supervisor who meets the requirements under paragraph (d) of this section may continue to qualify after June 30, 1971—

(1) If the conditions specified in 20 CFR 405.1313(b)(6) are met; or

(2) If the conditions specified in 20 CFR 405.1313(b)(6) are met except that (i) the required 2-year period for the performance of the duties of a supervisor may be either between July 1, 1966, and July 1, 1971, or during the 15 years prior to January 1, 1968, he acquired pertinent experience as specified in paragraph (d) of this section, and (ii) where qualifying years in a laboratory described in 20 CFR 405.1313(b)(6)(i) or (ii) are obtained after January 1, 1969, the laboratory may be a laboratory which meets applicable conditions prescribed either in this part or under the health insurance program.

(f) If the factor in 20 CFR 405.1314(b)(1) is not met and the laboratory performs tests in serology, the director or a supervisor (1) must hold an earned doctoral or master's degree in biology, chemistry, immunology, or microbiology from an accredited institution, or be a physician and (2) subsequent to graduation have had at least 4 years' experience in serology.

(g) If the laboratory performs tests in radiobioassay, the director or a supervisor must be a physician or must hold an earned doctoral or master's degree in chemical, physical, or biological sciences from an accredited institution and subsequent to graduation must have at least 1 year of experience in radiobioassay.

(h) The exception specified in 20 CFR 405.1315(b)(5) for the period ending June 30, 1971, may be made (1) if the conditions prescribed therein are met or (2) if the technologist was performing the duties of a clinical laboratory technologist on January 1, 1968, or between July 1, 1961, and January 1, 1968, and has had at least 10 years of pertinent clinical laboratory experience prior to January 1, 1968 (the required years of experience may be reduced as provided in such 20 CFR 405.1315(b)(5)).

(i) The technologist who meets the requirements under paragraph (h) of this section may continue to qualify after June 30, 1971—

(1) If the conditions specified in 20 CFR 405.1315(b)(6) are met; or

(2) If the conditions specified in 20 CFR 405.1315(b)(6) are met except that (i) the required two-year period for the performance of the duties of a clinical laboratory technologist may be either between July 1, 1966, and July 1, 1971, or during the 10 years he acquired pertinent experience as specified in paragraph (h) of this section and (ii) where qualifying years in a laboratory described in 20 CFR 405.1315(b)(6) (i) or (ii) are obtained after December 31, 1968, the laboratory may be a laboratory which meets applicable conditions prescribed either in this part or under the health insurance program.

(j) Each cytotechnologist shall possess a current license as a cytotechnologist issued by the State, if such licensing exists, and shall have successfully completed 2 years in an accredited college or university with at least 12 semester hours in biology courses pertinent to the medical sciences and must have received 12 months of training in a school of cytotechnology approved by the American Medical Association.

(k) Where an individual who does not meet the requirements specified herein for a technologist is engaged in performing repetitive procedures only, which require a limited exercise of independent judgment, he may perform such procedures only under the personal and direct supervision of a technical supervisor as defined in 20 CFR 405.1314(b)(1) through (8) or a technologist as defined in 20 CFR 405.1315(b)(1) through (4).

Subpart E—Proficiency Testing

§ 74.40 Procedures; samples; test conditions.

All applicants and licensees shall be subject to proficiency testing, as directed by the Secretary, to assess the competency of laboratory staff and the adequacy and quality of facilities, equipment, reagents, working conditions, and procedures. Such testing may be carried out during on-site inspections or by submittal to laboratories of samples for examination. Regularly assigned personnel must examine samples using the laboratory's routine methods. The laboratory shall be tested only in those procedures or categories of procedures for which a license application, original or renewal, has been filed with the Secretary or for which the Secretary has issued a license. The samples to be tested may be provided prior to, during, or subsequent to, inspections. The time allowed for testing will be the time required, as determined by the Secretary, under conditions of normal laboratory operation. Laboratory personnel shall enter the date and time of receipt of samples, results of tests, and such other information as the Secretary may require, on forms provided or required by the Secretary.

§ 74.41 Reference laboratories; referee laboratories.

Samples identical to those submitted to laboratories for proficiency testing shall be submitted to three or more reference laboratories which shall examine the material contained in the samples in detail and report identification and content or titer to the Secretary. Samples identical to those submitted to laboratories for proficiency testing shall also be submitted to 10 or more referee laboratories for examinations pursuant to the same time schedule and under conditions similar to those to which the laboratories being tested will be subject.

§ 74.42 Satisfactory participation; particular procedures and categories.

(a) *Clinical chemistry; hematology.* (1) The limits for acceptability of results for each analysis shall be obtained by superimposing, on one scale, three subsets of limits obtained as provided in subparagraph (2) of this paragraph.

(2) (i) *Subset—Applicant and licensee laboratories.* The subset of limits for applicant and licensee laboratories shall encompass the central 95 percentile calculated from the results of all applicant and licensee laboratories. A reported result which is obviously deviant from the other results will not be used in determining the limits. However, for any sample, no more than 5 percent of the results will be discarded on the basis of being "obviously deviant."

(ii) *Subset—Reference laboratories.* The subset of limits for reference laboratories shall encompass all reference laboratory results and shall consist of the lowest and highest result. A result which is obviously deviant from the other results will not be used in establishing the limits. However, for any sample, no more than 5 percent of the results will be discarded on the basis of being "obviously deviant."

(iii) *Subset—Clinical requirements.* The subset of limits for clinical requirements shall be centered on the median reference laboratory result on each sample and shall encompass 0.5 (one-half) the normal population range. The normal population range shall be determined by the Secretary.

(3) Results for applicant and licensee laboratories must fall between the lowest lower limit and highest upper limit of the three subsets of limits.

(b) *Microbiology.* The results obtained by applicant, licensee, and referee laboratories from tests on samples shall be graded by comparison with the results obtained by reference laboratories. The grade of an applicant or licensee laboratory may not be more than 10 percentage points lower than the minimal grade obtained by the referee laboratories. A result obtained by a referee laboratory which is obviously deviant from those obtained by reference and other referee laboratories will not be used in establishing acceptable achievement. However, for any shipment of samples no more than ten percent of the referee laboratories' results will be discarded on the basis of being "obviously deviant."

(c) *Serology.* The results obtained by applicant and licensee and referee laboratories from qualitative and quantitative tests on samples shall be compared with results obtained by reference laboratories.

(1) The grade for the qualitative test shall be the percentage of results in agreement with the results obtained by the reference laboratories.

(2) The grade for the quantitative test shall be the percentage of results in agreement: *Provided,* That results shall be deemed to be in agreement where each result (titer) does not deviate more than one twofold dilution from the range of results obtained by the reference laboratories.

(3) Grades must fall, and deviant results shall be treated, as provided in paragraph (b) of this section for microbiology.

(4) Reproducibility:

(i) Results of qualitative tests on duplicate samples must be in agreement.

(ii) Results of quantitative tests on duplicate samples may not reflect a deviation, for serology (non-syphilis) of more than one fourfold dilution and, for serology (syphilis) of more than one twofold dilution.

(iii) The grade will be the percentage of results of qualitative tests which are in agreement and of quantitative tests where the deviation is no more than one fourfold dilution. Grades must fall, and deviant results will be treated, as provided in paragraph (b) of this section for microbiology.

(d) *Immuno-hematology.* For ABO grouping, Rh-typing, and cross-matching, there must be agreement with the results of the tests made by referee laboratories. For irregular antibody identification, the criteria contained in paragraph (c) of this section, relating to proficiency testing in serology, shall be applicable.

(e) *Exfoliative cytology; histopathology; oral pathology.* The results obtained by applicant and licensee laboratories and referee laboratories from tests on samples shall be graded by comparison with the results obtained by reference laboratories which are directed by a Board Certified pathologist. The lowest acceptable grade of an applicant and licensee laboratory must fall within 10 percentage points of the minimal grade obtained by the referee laboratories. A result obtained by a referee laboratory which is obviously deviant from those obtained by reference and other referee laboratories will not be used in establishing acceptable achievement. However, for any shipment of samples, no more than 10 percent of the referee laboratories' grades will be discarded on the basis of being "obviously deviant."

(f) *Radiobioassay.* The limits for acceptability of results for each analysis shall be determined by the central 95 percentile calculated from the results of all laboratories. A reported result which is obviously deviant from the other results will not be used in determining the limits. However, for any sample, no more than 5 percent of the results will be discarded on the basis of being obviously deviant: *Provided,* That no result may be considered unsatisfactory if it falls within the limits established by reference laboratories.

§ 74.43 Test results.

The Secretary shall notify the laboratory director of the results of the proficiency tests. Where the laboratory reports reflect lack of proficiency, the Secretary may, upon the written request of the laboratory director, furnish the laboratory with additional samples and the laboratory may be afforded a second opportunity to demonstrate proficiency. Results reflecting a lack of proficiency may constitute a basis for denial, revocation, suspension, or limitation of the laboratory license or letter of exemption.

Subpart F—Accreditation—State Laws—Stringency of Standards—Termination

§ 74.46 Accredited laboratories; State laws; stringency of standards; letter of exemption.

(a) *Accredited laboratories; State laws; stringency of standards; assurance of continuation of compliance with standards.* In determining whether the standards applied by an approved accreditation body in inspecting and accrediting any hospital or any laboratory pursuant to the provisions of section 353(d)(2) of the Act or provided for by State law under section 353(l), are equal to or more stringent than the provisions of the Act and the rules and regulations issued pursuant thereto, the Secretary may consider inter alia whether the standards applied or provided for are equal to or more stringent than those applicable or issued hereunder relating to maintenance of a quality control program, records, equipment, and facilities, qualifications of personnel, quality and extent of proficiency testing, renewal of accreditation and frequency and comprehensiveness of on-site inspections. The standards for accreditation of laboratories shall be submitted in writing to, and reviewed by, the Secretary at least annually and from time to time as the Secretary may deem necessary: *Provided,* That neither the number of tests, nor the number of inspections required or provided for by the standards of such body or the law of a State shall be conclusive in determining whether such standards are equal to or more stringent than those required by section 353 of the Act and the standards prescribed thereunder or whether there is adequate provision for assuring that such standards continue to be met.

(b) *Accreditation; notices; submittal.* An approved accreditation body shall submit to the Director written notice of—

(1) Accreditation of each hospital or laboratory accredited by it (unless the laboratory is a laboratory to which the regulations contained herein are not applicable under the provisions of § 74.2(b)), containing the name of such hospital of laboratory, the date or dates of such accreditation, and the procedures to which such accreditation is applicable, within 10 days after (i) receipt of notice from the Secretary that the standards applied by such body have been determined to be equal to or more stringent than the provisions of section 353 of the Act and the rules and regulations issued under such section 353, or (ii) the date of accreditation, whichever is later.

(2) Termination of accreditation of a hospital or laboratory within 5 days after such termination.

(3) Results of proficiency tests conducted by the approved accreditation body as soon as they become available and in no event, except upon written authorization from the Secretary, later than 60 days after the date designated for submittal of results to the accrediting body.

(c) *Letter of exemption; issuance.* The Secretary may issue a letter of exemption to a laboratory upon application by such laboratory, certifying to or providing on a form prescribed by the Secretary—

(1) Its accreditation by an approved accreditation body; the procedures to which such accreditation is applicable; and the date or dates of such accreditation.

(2) Its agreement to permit inspection by the Secretary, make records available and submit reports as may be required by the Secretary.

(3) Such other relevant information as the Secretary may require.

§ 74.47 Accreditation; termination of treatment as accredited laboratory.

(a) Standards of accrediting body; equivalence or greater stringency; failure to demonstrate: If the Secretary at any time, on the basis of (1) a review of the standards applied by an accrediting body, (2) evidence of violations of such standards, (3) inspections, or (4) other relevant factors, determines that the standards applied by an accrediting body are not equal to or more stringent than the provisions of section 353 of the Act and the rules and regulations issued thereunder or that the provision of any such body for requirements, practices, and procedures for assuring that such standards continue to be met by accredited hospitals and laboratories is inadequate, the Secretary shall give notice thereof to such accrediting body and shall provide a reasonable period for revision of standards, requirements, practices, and procedures and for submittal to the Director of satisfactory evidence (1) that it has adopted and effectively applied equivalent or more stringent standards to hospitals and laboratories in determining whether to accredit such hospitals and laboratories and (2) that there is adequate provision for assuring that such standards continue to be met by the accredited hospitals or laboratories. Upon expiration of such period and notice to such body of the determination that it has not submitted satisfactory evidence, which notice shall contain a specification of the basis for the determination, the provisions of section 353 of the Act requiring licensing shall apply effective 30 days after the date of receipt of such notice by such accreditation body: *Provided,* That such notice may be published in the FEDERAL REGISTER and/or copies thereof furnished to the laboratories with respect to which there is in effect a letter of exemption.

(b) Accreditation; inspection: No exemption shall be granted unless the Secretary has received an agreement on forms prescribed by the Secretary signed by the owner or authorized representative of such laboratory to permit inspections as prescribed in this part for licensed laboratories.

(c) Accredited laboratories shall be subject to such provisions of the regulations in this part, including but not limited to those relating to proficiency testing and availability of records, as the Secretary may direct.

Subpart G—General Provisions

§ 74.50 Records: maintenance, availability, retention.

Records shall be made, concurrently with the performance, of each step in the examination of specimens. All pertinent laboratory records shall be made available for such inspection, examination, and copying as the Secretary may direct. All records shall be retained for a period of at least 2 years after the date of submittal of report except as otherwise prescribed in this part or authorized by the Secretary.

§ 74.51 Reports to the Secretary.

Laboratories shall submit to the Secretary such reports of operations as the Secretary, from time to time, may require.

§ 74.52 Personnel records.

Personnel records shall be maintained on a current basis. They shall include a complete resume of each employee's training, experience, duties, and date or dates of employment.

§ 74.53 Specimen records.

The laboratory shall maintain a record indicating the daily accession of specimens, each of which shall be numbered or otherwise appropriately identified. Records shall contain the following information:

(a) The laboratory number or other identification.

(b) The name and other identification of the person from whom the specimen was taken, if available.

(c) The name of the licensed physician or other person or laboratory who or which submitted the specimen.

(d) The date the specimen was collected by the physician or other authorized person if available.

(e) The date the specimen was received in the laboratory.

(f) The condition of unsatisfactory specimens and packages when received (e.g., broken, leaked, hemolyzed, or turbid).

(g) The type of test performed.

(h) The result of the laboratory test and the date the test was completed and reported.

§ 74.54 Laboratory report and record.

(a) The laboratory report shall be sent promptly to the laboratory which, or the physician or other person who, requested the test and a suitable record of each

test shall be preserved by the laboratory for not less than 2 years.

(b) Tissue pathology reports shall utilize acceptable terminology of a recognized disease nomenclature.

(c) Reports of quantitative analyses shall include the units of concentration or activity and, where requested or indicated, the usual range of values for good health.

(d) A list of analytical methods employed by the laboratory and documentation of usual range of values for good health shall be made available to the person or laboratory submitting the specimen.

§ 74.55 Equipment and facilities.

The laboratory equipment maintenance program shall assure satisfactory operation of all equipment. Space, facilities, and equipment shall be adequate to properly perform the services offered by the laboratory. Workbench space shall be ample for the type and volume of work being done, and well lighted to facilitate accuracy and precision. There shall be freedom from unnecessary chemical, radiological, biological, and other hazards which may contaminate or otherwise adversely affect examination of specimens and, where applicable, provision shall be made for sterilization of contaminated material. Remodeling and other changes in facilities and equipment that may affect consistent performance of accurate procedures and services shall be reported to the Director at least 30 days in advance of the date on which such changes are scheduled to take place.

§ 74.56 Inspection.

The Secretary may conduct an inspection of every licensed laboratory at least annually and may conduct other inspections from time to time. Inspections shall be made at any time during the performance of procedures and services and may include observation of complete examinations of specimens by personnel and methods ordinarily and routinely employed by the laboratory, examination of personnel files, procedural manuals, and records of tests including quality control and calibration. Inspections may be made with or without notice.

§ 74.57 Change in ownership.

The Director shall be notified of any change in the ownership of a licensed laboratory, other than a transfer of stock, within 10 days of any such change.

§ 74.58 Change in director or supervisor.

Changes in directors and in supervisors for any reason shall be reported to the Director within 30 days of the effective date of change.

§ 74.59 Referral to another laboratory.

No laboratory shall refer a specimen to another laboratory for examination unless the latter laboratory is licensed pursuant to section 353 of this Act to provide the services requested or unless the latter laboratory is exempted under such section 353 or under the regulations in this part, or is a laboratory accredited by an approved accreditation body whose standards have been determined by the Secretary to be equal to or more stringent than the provisions of section 353 of the Act and the rules and regulations issued under section 353. The name of the laboratory actually performing the examination shall be indicated on the report to the person submitting the specimen.

Dated: September 19, 1968.

[SEAL] IRVING LEWIS,
Acting Administrator, Health Services and Mental Health Administration.

Approved: October 5, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-12518; Filed, Oct. 14, 1968; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 121]

AREA DIRECTORS

Redelegation of Authority Regarding Acceptance of Donations

OCTOBER 7, 1968.

Bureau Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau officials), as amended, is further amended by the revision of section 312, to read as follows:

SEC. 312. *Acceptance of donations of property.* The acceptance of donations of funds or other property for the advancement of the Indian race, and use of the donated property in accordance with the terms of the donation in furtherance of any program authorized by other provisions of law for the benefit of Indians pursuant to the Act of February 14, 1931 (46 Stat. 1106; 25 U.S.C., 1964 ed., sec. 451), as amended by the Act of June 8, 1968 (Public Law 90–333; 82 Stat. 171).

T. W. TAYLOR,
Deputy Commissioner.

[F.R. Doc. 68–12479; Filed, Oct. 14, 1968; 8:47 a.m.]

Bureau of Land Management

[S 277]

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

OCTOBER 7, 1968.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, S 277, for withdrawal and reservation of lands for construction and maintenance of a conduit for the Clear Creek South Unit of the Trinity River Division of the Central Valley Project was published as F.R. Doc. 67–636 on pages 619 and 620 of the issue for January 19, 1967. The applicant agency has canceled its application involving the lands described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m., on November 15, 1968, will be relieved of the segregative effect of the above-mentioned application.

JESSE H. JOHNSON,
Acting Chief,
Lands Adjudication Section.

[F.R. Doc. 68–12476; Filed, Oct. 14, 1968; 8:47 a.m.]

[Serial No. N–259]

NEVADA

Notice of Public Sale

OCTOBER 7, 1968.

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988, 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, a tract of land will be offered for sale to the highest bidder at a sale to be held at 1:30 p.m., local time, on Wednesday, November 20, 1968, at the Nevada Land Office, Room 3104 Federal Building, 300 Booth Street, Reno, Nev. 89502. The land is described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 38 N., R. 32 E.,
Sec. 29, W½;
Sec. 30, SE¼;
Sec. 31, NE¼;
Sec. 32, N½.

The area described contains 960 acres. The appraised value of the tract is $22,100, and the publication costs to be assessed are $12.

The land will be sold subject to all valid existing rights and rights-of-way of record. Reservations will be made to the United States for rights-of-way for ditches and canals in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals are to be reserved to the United States and withdrawn from appropriation under the public land laws, including the general mining laws.

Bids may be made by the principal or his agent, either at the sale, or by mail. Bids must be for all the land in the parcel. A bid for less than the appraised value of the land is unacceptable. Bids sent by mail will be considered only if received by the Nevada Land Office, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502, prior to 1:30 p.m., on Wednesday, November 20, 1968. Bids made prior to the public auction must be in sealed envelopes, and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publication costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, sale N–259, November 20, 1968."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m., of the day of the sale.

If no bids are received for the tract on Wednesday, November 20, 1968, it will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning December 4, 1968.

Any adverse claimants to the above described land should file their claims, or objections, with the undersigned before the time designated for sale.

The lands described in this notice have been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office Manager, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nev. 89502.

A. JOHN HILLSAMER,
Acting Manager,
Nevada Land Office.

[F.R. Doc. 68–12477; Filed, Oct. 14, 1968; 8:47 a.m.]

[Utah 6443]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 8, 1968.

The U.S. Department of Agriculture has filed an application, Serial Number Utah 6443, for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to valid existing rights.

The applicant desires the withdrawal for the protection of existing and planned Government investment, and to assure the retention of the land for public use. The proposed withdrawal covers three administrative sites and 13 recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 11505, Salt Lake City, Utah 84111.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

UINTA NATIONAL FOREST

Chicken Creek Campground Site

T. 15 S., R. 1 E.,
Sec. 2, SW¼SW¼SE¼;
Sec. 11, N½NW¼NE¼.

Totaling 30 acres.

Tinney Flat Picnic Site

T. 10 S., R. 2 E.,
Sec. 32, SE¼NE¼SE¼;
Sec. 33, W½NW¼SW¼.

Totaling 30 acres.

Maple Bench Campground

T. 10 S., R. 2 E.,
Sec. 10, NE¼SE¼NE¼, SE¼NE¼NE¼.

Totaling 20 acres.

Payson Ponderosa Pine Plantation

T. 10 S., R. 2 E.,
Sec. 3, SE¼SE¼NW¼, W½SW¼NE¼, NE¼SW¼NE¼.

Totaling 40 acres.

Koholowo Recreation Area

T. 10 S., R. 2 E.,
Sec. 33, N½SW¼NE¼, S½NW¼NE¼.

Totaling 40 acres.

Cottonwood Campground Site

T. 12 S., R. 2 E.,
Sec. 17, NE¼SW¼NE¼, SE¼NW¼NE¼, N½NW¼NE¼, W½SE¼NE¼.

Totaling 60 acres.

McCune Canyon Ponderosa Pine Plantation

T. 12 S., R. 2 E.,
Sec. 20, NE¼SE¼NE¼, W½SE¼NE¼, SW¼NE¼.

Totaling 70 acres.

Ponderosa Campground Site

T. 12 S., R. 2 E.,
Sec. 16, SE¼SW¼SW¼, E½W½SW¼SW¼;
Sec. 21, E½NW¼NW¼.

Totaling 40 acres.

Bear Canyon Campground Site

T. 12 S., R. 2 E.,
Sec. 8, S½NE¼SW¼, N½SE¼SW¼.

Totaling 40 acres.

Black Hawk Recreation Area

T. 11 S., R. 3 E.,
Sec. 5, SW¼NW¼, SW¼ of lot 4, N½NW¼SW¼;
Sec. 6, E½SE¼NE¼, NE¼NE¼SE¼, SE¼ of lot 1.

Totaling 110 acres.

Kolob Campground

T. 7 S., R. 4 E.,
Sec. 24, E½NW¼SE¼, SW¼NW¼SE¼, NW¼NE¼SE¼.

Totaling 40 acres.

Diamond Creek Administrative Site

T. 8 S., R. 5 E.,
Sec. 1, lot 4.

Totaling 25.65 acres.

Hawthorne Campground

T. 8 S., R. 5 E.,
Sec. 11, W½NW¼NE¼.

Totaling 20 acres.

Whiskey Springs Recreation Area

T. 5 S., R. 6 E.,
Sec. 6, W½SW¼SW¼.

Totaling 20 acres.

UINTAH MERIDIAN

Willow Creek Administrative Site

T. 5 S., R. 11 W.,
Sec. 20, SE¼SE¼SW¼, SW¼SW¼SE¼;
Sec. 29, NE¼NE¼NW¼.

Totaling 30 acres.

Ballard Canyon Campground

T. 3 S., R. 12 W.,
Sec. 23, SE¼SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 26, NE¼NE¼NW¼, N½NW¼NE¼, NW¼NE¼NE¼.

Totaling 80 acres.

The areas described aggregate 695.65 acres.

R. D. NIELSON,
State Director.

[F.R. Doc. 68–12478; Filed, Oct. 14, 1968; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

COLGATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00013–91–46500. Applicant: Colgate University, Hamilton, N.Y. 13346. Article: Ultramicrotome, LKB 8800 Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section plant tissue for observation under the electron microscope. The study includes differentiation of plant tissue in and near the apical meristem of Lychnis alba. The study is ultimately to be expanded to include a number of other dioecious dicotyledons. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT–2 utramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of bilogical specimens down to 50 angstroms. The foreign article has the capability of cutting sections down to 50 angstroms (1965 catalog for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 angstroms (1966 catalog for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 9, 1968, that this capability in the required dimensions can be furnished only with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalog cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for thicknesses. (See Sorvall Model MT–2 catalog cited above). In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight, HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (see catalog on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalog. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12461; Filed, Oct. 14, 1968; 8:45 a.m.]

DUKE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00010-33-46040. Applicant: Duke University, Department of Physiology and Pharmacology, Durham, N.C. 27706. Article: Electron microscope, Model EM6B. Manufacturer: GEC-AEI Electronics, Ltd., United Kingdom (England). Intended use of article: The article will be used for biological research as follows:

a. Physiology and ultrastructure of red blood cell membranes, including mapping of enzymatic (ATPase) and antigenic (antigen M) sites. Study of the structure of red blood cell membrane fragments, of the products of their reaggregation and of thin lipid membranes prepared with either heavy ions or ferritin, on ultrastructure of the artificial lipid membranes will also be studied.

b. Studies of the fine structure of the triadic junction in striated muscle fibers.

c. Studies on the variation in length of crab striated muscle filaments and of the factors controlling it.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article on September 20, 1967, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. (1) The foreign article has a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 30, 40, 50, 60, and 80 kilovolts, whereas the RCA Model EMU-4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-12462; Filed, Oct. 14, 1968; 8:46 a.m.]

MICHAEL REESE HOSPITAL AND MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00640-33-46500. Applicant: Michael Reese Hospital and Medical Center, 29th Street and Ellis Avenue, Chicago, Ill. 60616. Article: Ultramicrotome, Model LKB 8800, Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for cutting large areas of tissue of uniform thickness from 50 angstroms to 2 microns for studying the vasculature of the lung under different conditions of disease processes and experimental situations. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: (1) The only known comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 angstroms. The foreign article has the capability of cutting sections down to 50 angstroms (1965 catalog for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT-2 is specified as 100 angstroms (1966 catalog for Sorvall "Porter-Blum" MT-1 and MT-2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 24, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalog cited above). The Sorvall Model MT-2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT-2 catalog cited above). In connection with Docket No. 67-00024-33-46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advises that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (See catalog on "Ultrotome III"), where no similar device is specified in the Sorvall catalog. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is

varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12464; Filed, Oct. 14, 1968; 8:46 a.m.]

SONOMA STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00011–33–46040. Applicant: Sonoma State College, 1801 East Cotati Avenue, Rohnert Park, Calif. 94928. Article: Electron microscope, Model EM9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for teaching and research projects in biology, chemistry, physics, and geology. Projects underway for which this instrument will be used include such things as studies of the ultra-structure of plant cell walls and crystal particle analysis. Simplicity of operation and short training period will make this instrument ideal for teaching and research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

Reasons: The only known comparable domestic is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to July 3, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope which can be used by students with a minimum of detailed programming and early use by the student with self-confidence. The only domestic electron microscope is the RCA Model EMU–4 which is a high resolution and relatively complex instrument designed for high level research. (2) The foreign article provides as low as 60 magnifications. This characteristic permits the student to make an easy transition from light microscopy. (3) The foreign article also provides a digital readout for focusing adjustments, which allows the instructor to check the correctness of the student's focusing adjustment and to exactly repeat focusing adjustment for several students performing an identical experiment.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12466; Filed, Oct. 14, 1968; 8:46 a.m.]

SOUTHERN ILLINOIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00668–33–46040. Applicant: Southern Illinois University, Edwardsville, Ill. 62025. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: Applicant states:

1. One use of the microscope will be for training and instruction of seniors and graduate students in biological sciences. For such an application it is important that the instrument be simple to comprehend and easy to operate.

2. The microscope must be capable of investigating ultrathin unstained specimens.

3. The apparatus will also be employed for faculty and graduate student research.

4. One project that is currently in progress concerns the effects of various environmental factors on the biochemistry of the ciliated protozoan, Tetrahymena pyriformis. These studies will be extended to include possible ultrastructural changes that might occur. Another study involves the separation of subcellular particles, and the microscope will be used to determine the nature and the purity of the particles. An electron microscope capable of producing high-contrast photomicrographs of unstained specimens is needed. The voltage supply for electron acceleration in the Hitachi, Model HS–8, electron microscope is energized by a high frequency input through a Cockcroft-Walton circuit to give 25kV and 60kV. This flexibility permits excellent contrast to be obtained of unstained, ultrathin specimens. The high resolution (8 A point to point) and ease of use and maintenance of this instrument combines to make it uniquely qualified for the dual research and teaching roles it would have in this department.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to June 24, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. The foreign article provides accelerating voltages of 25 and 50 kilovolts. The only known comparable domestic electron microscope, the RCA Model EMU–4, provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in experiments on ultrathin biological specimens. It has been experimentally determined that the lower accelerating voltages of the foreign article afford optimum contrast for unstained ultrathin specimens. Therefore, the 25 kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12467; Filed, Oct. 14, 1968; 8:46 a.m.]

STATE UNIVERSITY OF NEW YORK AT ALBANY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00007–33–46040. Applicant: Research Foundation of State University of New York at Albany, Department of Biological Sciences, Suny at Albany, Albany, N.Y. 12203. Article: Electron microscope, Model EM–300, and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for the following:

1. Biophysical and morphological investigation of the molecular architecture of fibrinogen, which is a protein highly significant in the process of blood clotting and wound healing.

2. Ultrastructural investigations of aspects of the major program on cell movements.

3. Ultrastructural studies of selected microbiological agents including bacteria and viruses.

4. Molecular analysis of problems arising through the interdisciplinary activities of the Neurobiology Program in studying chemical communication within the nervous system.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RMA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article on March 14, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. (1) The foreign article has a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12465; Filed, Oct. 14, 1968; 8:46 a.m.]

UNIVERSITY OF GEORGIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00661–33–46500. Applicant: University of Georgia, School of Veterinary Medicine, Department of Pathology and Parasitology, Athens, Ga. 30601. Article: LKB 8800A Ultrotome III Ultramicrotome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: Applicant states:

> The ultramicrotome is to be used to prepare ultrathin sections for observation in our electron microscope. The types of materials to be sectioned by the ultramicrotome will be variable depending on the needs of the electron microscopist. However, consistent with our general operation in the electron microscopy department, it can be stated that we must have an ultramicrotome which will cut long series of equal thickness serial sections. The thickness of these sections should be easily operator chosen between the values 50A to 2 microns and it should be possible to easily and rapidly change the serial section thickness.
>
> The ultrotome III also allows a measure of compression during sectioning procedures to assist in an accurate measurement of cellular structure.
>
> This ultramicrotome is important in the work of this pathology department in obtaining quality sections of sequential studies of the fetal thymus, a variety of neoplasms, and various disease conditions.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 angstroms. The foreign article has the capability of cutting sections down to 50 angstroms (1965 catalog for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 angstroms (1966 catalog for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk, Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 25, 1968, that this capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalog cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thickness. (See Sorvall Model MT–2 catalog cited above.) In connection with Docket No. 67–00024–33–46500, which relates to an identical foreign article for which duty-free entry was requested, HEW advised that ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. HEW further advised that in mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign

article incorporates a device which permits measuring the knife-angle setting to an accuracy of 1° (see catalog on "Ultrotome III"), whereas no similar device is specified in the Sorvall catalog. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
ssistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–12463; Filed, Oct. 14, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HERCULES, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0753) has been filed by Hercules, Inc., Wilmington, Del. 19899, proposing the establishment of tolerances for residues of the herbicide norea (3-(hexahydro-4,7-methanoindan-5-yl)-1,1-dimethyl urea) in or on the raw agricultural commodities cottonseed, sorghum (cane, forage, and grain), soybeans, spinach, and sugarcane at 0.5 part per million.

The analytical method proposed for determining residues of the herbicide is a colorimetric procedure based on the formation of hexahydro-4,7-methanoindan-5-amine by alkaline hydrolysis of the extracted residue. This amine is then reacted with 1-fluoro-2,4-dinitrobenzene to yield the corresponding 2,4-dinitrophenyl derivative of the amine, which is then determined colorimetrically by measuring the absorbance of the orange-red color produced in alkaline dimethylformamide.

Dated: October 3, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–12517; Filed, Oct. 14, 1968; 8:50 a.m.]

RHODIA, INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 9F0759) has been filed by Rhodia, Inc., 120 Jersey Avenue, New Brunswick, N.J. 08903, proposing the establishment of tolerances for residues of the insecticide phosalone (*S*-(6-chloro-3-(mercaptomethyl) - 2-benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the raw agricultural commodities apples, grapes, and pears at 10 parts per million.

Notice is also given that the same firm has filed a related petition (FAP 9H2342) proposing the establishment of a food additive tolerance of 20 parts per million for residues of the insecticide in or on raisins resulting from the application of the insecticide to the growing raw agricultural commodity grapes.

The analytical method proposed for determining residues of the insecticide is a thin layer chromatographic technique. Identification of the residue is determined by comparison of positions of spots with those of standards. The suspect spot is removed, dissolved in acetone, and injected into a gas chromatograph equipped with an electron capture detection system.

Dated: October 8, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68–12516; Filed, Oct. 14, 1968; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68–101]

NEWARK, N.J.

Revocation of the Designation as a Port of Documentation

Notice of the proposed revocation of the designation of Newark as a port of documentation and the transfer of the documentation records to New York was published in the FEDERAL REGISTER of May 1, 1968 (33 FR 6674) as CGFR 68–35.

By virtue of the authority contained in 14 U.S.C. 633, section 2 of Act of July 5, 1884, as amended (46 U.S.C. 2), section 1 of Act of February 16, 1925, as amended (46 U.S.C. 18), and subsection 6(b) of Department of Transportation Act (49 U.S.C. 1655(b)) and the delegation of authority of the Secretary of Transportation in 49 CFR 1.4(a)(2), the following action is hereby taken effective November 15, 1968:

(a) The designation of Newark, N.J., as a port of documentation is revoked;

(b) The documentation records at Newark, N.J., are transferred to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Battery Park Building, New York, N.Y. 10004; and

(c) New York is designated as home port of all vessels now having Newark as home port.

Vessels marked with the name of Newark as home port shall be deemed to be properly marked within the meaning of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and the regulations issued thereunder for a period of 2 years from the effective date of this order.

Dated: October 11, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 68–12567; Filed, Oct. 14, 1968; 9:00 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING DIRECTOR, URBAN RENEWAL DEMONSTRATION PROGRAM

Designation

The Assistant Director, Urban Renewal Demonstration Program, is hereby designated to serve as Acting Director, Urban Renewal Demonstration Program, during the absence of the Director, Urban Renewal Demonstration Program, with all the powers, functions, and duties redelegated or assigned to the Director, Urban Renewal Demonstration Program.

This designation supersedes the designation of Acting Director effective June 30, 1967 (32 F.R. 9326, June 30, 1967).

(Secretary's delegation to Director, Office of Urban Technology and Research, effective June 30, 1967 (32 F.R. 9325, June 30, 1967))

Effective date. This designation shall be effective as of October 11, 1968.

T. F. ROGERS,
Director, Office of Urban Technology and Research.

[F.R. Doc. 68–12491; Filed, Oct. 14, 1968; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–297]

NORTH CAROLINA STATE UNIVERSITY AT RALEIGH

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed issuance of construction permit in the FEDERAL REGISTER on September 13, 1968 (33 F.R. 12978), the Commission has

issued Construction Permit No. CPRR–106 to North Carolina State University at Raleigh ("NCSU"). The construction permit, issued in the form published in the proposed notice and effective as of the date of issuance, authorizes NCSU to construct the NCSU PULSTAR nuclear reactor on its campus in Raleigh, N.C.

Dated at Bethesda, Md., this 1st day of October 1968.

For the Atomic Energy Commission.

ROBERT J. SCHMEL,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 68–12460; Filed, Oct. 14, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

OCTOBER 10, 1968.

Notice is hereby given that the Civil Aeronautics Board on October 7, 1968, received an application, Docket 20334, from Allegheny Airlines, Inc., for amendment of its certificate of public convenience and necessity for Route 97 to authorize it to engage in nonstop service between St. Louis, Mo., and Columbus, Ohio; between St. Louis, Mo., and Dayton, Ohio; and between St. Louis, Mo., and Pittsburgh, Pa. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12504; Filed, Oct. 14, 1968; 8:49 a.m.]

[Docket No. 19601]

LINEAS AEREAS DE NICARAGUA, S.A. (LANICA)

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on October 30, 1968, at 10 a.m. e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 9, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68–12505; Filed, Oct. 14, 1968; 8:49 a.m.]

MOHAWK AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

OCTOBER 10, 1968.

Notice is hereby given that the Civil Aeronautics Board on October 7, 1968, received an application, Docket 20335, from Mohawk Airlines, Inc., for amendment of its certificate of public convenience and necessity for Route 94 to authorize it to engage in nonstop service between Boston, Mass., and Syracuse, N.Y., and one-stop service between Boston, Mass., and Cleveland, Ohio. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68–12506; Filed, Oct. 14, 1968; 8:49 a.m.]

[Docket No. 20253]

ONE-STOP TOURIST FARES OF TRANS CARIBBEAN AIRWAYS, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 25, 1968, at 10 a.m., e.d.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert Seaver.

Dated at Washington, D.C., October 10, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68–12507; Filed, Oct. 14, 1968; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 18333–18337; FCC 68–979]

COMMUNICATIONS TECHNICAL SALES, INC., AND TELEPHONE ANSWERING SERVICE

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Communications Technical Sales, Inc., Docket No. 18333, File No. 558–C2–AL–67, for consent to assignment of license of Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., to L. Marion Evans, doing business as Telephone Answering Service; Docket No. 18334, File No. 7546–C2–R–66, File No. 51–C2–R–66, for renewal of licenses of Stations KIY585 and KIY589 in the Domestic Public Land Mobile Radio Service at Columbia and Sumter, S.C.; Docket No. 18335, File No. 388–C2–ML–66, for modification of license of Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C.; Docket No. 18336, File No. 5290–C2–AL–66, for consent to assignment of license of Station KIY589 in the Domestic Public Land Mobile Radio Service at Sumter, S.C., to Abraham Thomy, doing business as A-Ble Answering Service; L. Marion Evans, doing business as Telephone Answering Service, Docket No. 18337, File No. 2868–C2–R–66, for renewal of license of Station KIY760 in the Domestic Public Land Mobile Radio Service at Columbia, S.C.

1. The Commission has before it for consideration (a) an application filed February 25, 1966, by Communications Technical Sales, Inc. (CTSI), for renewal of license for Station KIY585 in the Domestic Public Land Mobile Radio Service at Columbia, S.C.; (b) an application filed February 25, 1966, by L. Marion Evans, doing business as Telephone Answering Service (TAS) for renewal of license for Station KIY760 in the Domestic Public Land Mobile Radio Service at Columbia, S.C.; (c) an application filed February 28, 1966, by CTSI for renewal of license for Station KIY589 in the Domestic Public Land Mobile Radio Service at Sumter, S.C.; (d) an application filed March 11, 1966, by CTSI, assignor, for consent to assign the license of Station KIY589 to Abraham Thomy, doing business as A-Ble Answering Service (Thomy), assignee;[1] (e) an application filed July 25, 1966, by CTSI for a construction permit to modify the facilities of Station KIY585 by the addition of a new control point; (f) an application filed August 8, 1966, by CTSI, assignor, for consent to assign the license of Station KIY585 to TAS, assignee;[2] (g) a petition to designate applications for hearing filed October 11, 1966, by Columbia Telephone Answering Service, Inc., doing business as Able Paging Service (Petitioner); (h) an opposition to petition to designate applications for hearing filed October 17, 1966, by CTSI and TAS (jointly referred to as Applicants); (i) a supplement to petition filed July 7, 1967, by Petitioner; (j) a reply to supplement to petition filed July 19, 1967, by Applicants.

2. Petitioner, licensee of Station KFL947 in the Domestic Public Land Mobile Radio Service at Columbia, S.C., was granted a construction permit for its new facilities on July 17, 1967, by a decision of the Review Board.[3]

3. In its petition to designate applications for hearing, Petitioner alleges that CTSI claimed in its original application that an "urgent need" existed for the services of Station KIY585, but that it

[1] Upon Commission requests, amendments and additions to this application were filed on April 28, August 3, August 24, and October 17, all in 1966.

[2] Upon Commission request, an amendment to the application was filed on Nov. 10, 1966.

[3] The permit was granted after a hearing (Docket No. 16508), where it was jointly protested by CTSI and TAS on the grounds of economic competition and lack of need for the service.

has subsequently served a maximum of four subscribers; that CTSI operates what is principally an installation and repair service for private user-owned communications systems in the business and industrial services, which compete with Station KIY585; that CTSI does not effectively promote its common carrier services and offers only minimal services to its existing subscribers; that an unauthorized transfer of control of Station KIY585 from CTSI to TAS has already taken place; and, that the application by CTSI for consent to assign Station KIY585 does not include an agreement specifying the consideration for the transaction. Applicants' opposition to said petition alleges that Petitioner, as a mere applicant in the Domestic Public Land Mobile Radio Service, has neither standing nor right to file the petition; [4] that the petition does not contain specific allegations of fact to show that Petitioner will be injured by a grant of the Applicants' applications, or that such a grant would be prima facie inconsistent with section 309(d) of the Communications Act of 1934, as amended; that, with respect to the Applicants' renewal applications, the petition was filed after the expiration of the thirty (30) day protest period prescribed by Commission § 21.27(c); [5] that the petition does not include an affidavit of personal knowledge, as required by § 21.27(c); that CTSI has made a continued effort to add subscribers to its service, and that the decrease in the number of subscribers was due to the subscribers obtaining private licenses in the Business Radio Service; that there has been no unauthorized transfer from CTSI to TAS, and that TAS merely operates a dispatch point, not control point, for CTSI in conformity with the Commission's rules; that if and when such control point is authorized, it will be controlled and supervised by the employees of CTSI, and not those of TAS; and, that the authorization of the proposed assignment by the Commission will terminate the existing agency agreement between CTSI and TAS. In its supplement to petition, petitioner requests that official notice be taken of the decision of the Review Board granting its application for a construction permit, which gives it standing, and states that CTSI does not plan to make a total assignment to TAS, but that CTSI is to retain some interest in the license which is not reflected in the filed agreement. In their reply to supplement to petition, Applicants allege that CTSI will obtain no interest in TAS if the Commission approves the assignment, and that this is clear from the agreement and the affidavit of L. Marion Evans, which is attached to the reply.

4. Section 309(d)(1) of the Communications Act of 1934, as amended, and § 21.27(c) of the Commission's rules and regulations (rules) require that a petition to deny the grant of an application be supported by affidavit of a person or persons having personal knowledge of the facts alleged therein. Since Petitioner has not filed such an affidavit, the instant petition is defective. Consequently, it is not necessary to determine the effect of the Applicants' contentions concerning Petitioner's standing, and the filing of the petition beyond the thirty (30) day protest period with respect to the renewal applications.

5. CTSI is an established radio common carrier with authority to provide two-way radio services and one-way services on a secondary basis in the Domestic Public Land Mobile Radio Service at Columbia and Sumter, S.C. At the present time, TAS, under an agency agreement dated February 18, 1965, is providing dispatch services to the two-way radio subscribers of CTSI. Petitioner's allegation that the proposed assignment of license from CTSI to TAS would not significantly change their existing relationships and mode of operation, coupled with the failure of Applicants to show conclusively that the proposed assignment has not already been effected, are sufficient to raise an issue as to whether CTSI has assigned its license to TAS without prior Commission approval, a violation of section 310(b) of the Act, and whether such assignment, if approved, would actually divest CTSI of interest in the station license. Due to the seriousness of these claims, we feel that the public interest demands that we, on our own motion, designate the captioned applications for hearing, even though the petition raising the claims is defective.

6. So that our determination in this case may be based upon a fully developed record, we are joining Petitioner as a party to this hearing with the burden of proving that an unauthorized assignment has occurred.

7. Additionally, we find that except for the issues herein designated, the applicants are legally, technically, and financially qualified to render the services which they have proposed.

8. Accordingly, in view of our conclusions above: *It is ordered,* That the "Petition to Designate Applications for Hearing" is dismissed.

9. *It is further ordered,* That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified on the following issues:

(a) To determine whether CTSI has made efficient utilization of Station KIY585, and has rendered satisfactory service to its existing customers.

(b) To determine whether CTSI has made an unauthorized assignment of license to TAS without prior Commission approval.

(c) To determine whether, after the proposed assignment, CTSI will have divested itself completely of its control over Station KIY585.

(d) To determine, in light of the evidence adduced on issue (b), whether CTSI and TAS, through their personnel, possess the requisite character qualifications to be Commission licensees.

(e) To determine, in light of the evidence adduced on all of the foregoing issues, whether or not the public interest, convenience, or necessity will be served by a grant of any or all of the captioned applications.

10. *It is further ordered,* That Columbia Telephone Answering Service, doing business as Able Paging Service, is made a party to the proceeding herein.

11. *It is further ordered,* That the burden of proof on issues (a), (c), (d), and (e) is placed on the respective Applicants; and, the burden of proof on issue (b) is placed on Columbia Telephone Answering Service, doing business as Able Paging Service.

12. *It is further ordered,* That the parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: September 25, 1968.

Released: October 10, 1968.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-12500; Filed, Oct. 14, 1968; 8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[H.C. 7]

GIBRALTAR FINANCIAL CORPORATION OF CALIFORNIA

Notice of Receipt of Application for Permission To Acquire Control of Pioneer Savings and Loan Association

OCTOBER 10, 1968.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Gibraltar Financial Corporation of California, Beverly Hills, Calif., to acquire the assets of Western Pioneer Co., Los Angeles, Calif., and merge Western Pioneer's subsidiary, Pioneer Savings and Loan Association, Los Angeles, Calif., an insured institution, with its own subsidiary, Gibraltar Savings and Loan Association, Beverly Hills, Calif., also an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(à)) and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4).

[4] Petitioner, at this point, had not as yet been granted its construction permit.

[5] Section 21.27(c) provides, in part: "Any party in interest may file with the Commission a petition to deny any application (whether as originally filed or as amended) to which paragraph (a) of this section applied, no later than 30 days after issuance of a public notice of the acceptance for filing of any such application or major amendment thereto."

[6] Commissioners Bartley and Johnson absent.

Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[F.R. Doc. 68-12502; Filed, Oct. 14, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

EAST COAST COLOMBIA CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Franciso, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. D. Marshall, Chairman, East Coast Colombia Conference, 11 Broadway, New York, N.Y. 10004.

Agreement No. 7590-15, between the member lines of the East Coast Colombia Conference, retains the language of Article 12 which provides that each new member shall pay $2,500 as a contribution to the general fund of the conference, which shall become exclusively the property of the conference, and deletes the proviso therein that an original member which has withdrawn may be readmitted without the payment of such sum, and any other member which has withdrawn may be readmitted upon payment of $1,500.

Dated: October 10, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-12503; Filed, Oct. 14, 1968; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI69-90 et al.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 3, 1968.

Coastal States Gas Producing Co. et al., Docket Nos. RI69-90 et al.; Ashland Oil & Refining Co., Docket No. RI 69-102.

In the order providing for hearing on and suspension of proposed changes in rates, issued September 11, 1968, and published in the FEDERAL REGISTER on September 19, 1968 (33 F.R. 14189), in Appendix A (page 14191), Docket No. RI69-102, Ashland Oil & Refining Co., under column headed "Supplement No.", "Supplement 10" should be corrected to read "Supplement No. 12."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-12447; Filed, Oct. 14, 1968; 8:45 a.m.]

[Docket No. CP69-87]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

OCTOBER 7, 1968.

Take notice that on September 30, 1968, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP69-87 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of a valve and other auxiliary equipment for the transportation, sale and delivery of natural gas from the Oakford Storage Properties in Westmoreland County, Pa., to The Peoples Natural Gas Co., an existing customer. The Applicant states that it constructed the subject facilities on March 1 and 2, 1968, pursuant to § 157.22(a) of the regulations under the Natural Gas Act, in order to maintain storage deliverabilities required for March operations in spite of inventory depletions due to unexpected customer demand requirements necessitated by severe winter conditions.

Applicant states that by the continued use of the subject facilities, known as the "Jeanette Connection", it will be able to use less horsepower to deliver the same volumes without pressure reduction, or greater total volumes can be delivered from the Oakford Storage Area with the same amount of horsepower when maximum deliverabilities are desired.

Applicant states that it constructed the subject facilities at a total cost of $4,428.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-12468; Filed, Oct. 14, 1968; 8:46 a.m.]

[Docket No. CP67-221 (Phase II)]

EAST TENNESSEE NATURAL GAS CO.

Notice of Amendment to Application

OCTOBER 7, 1968.

Take notice that on September 26, 1968, East Tennessee Natural Gas Co. (Applicant), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP67-221 (Phase II) an amendment to its application for a certificate of public convenience and necessity in said docket filed pursuant to section 7(c) of the Natural Gas Act by seeking authorization to sell and transport additional volumes of natural gas to an existing resale customer and by seeking authorization to transport additional volumes of natural gas to an existing direct sale customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant seeks authorization to increase its sales for resale and transportation of natural gas to Chattanooga Gas Co. (Chattanooga) from 39,450 Mcf to 47,542 Mcf per day. The application states that the additional gas sold to Chattanooga will be used for resale in Chattanooga's service area and for resale to the Volunteer Army Ammunition Plant. Applicant also seeks authorization to increase its transportation of natural

gas for direct sale to Aluminum Company of America from 14,299 Mcf to 16,206 Mcf per day.

Applicant states that it will have sufficient capacity to render the increased service upon completion of the Boyds Creek Compressor Station authorized by the Commission's order issuing a temporary certificate to Applicant on August 22, 1968. No additional facilities are proposed in the instant amendment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 28, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-12448; Filed, Oct. 14, 1968; 8:45 a.m.]

[Docket No. G-1429]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 7, 1968.

Take notice that on September 30, 1968, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. G-1429 a petition to amend the order issued in said docket on June 18, 1954 (13 FPC 221), as amended, to Pacific Northwest Pipeline Corp. (Pacific Northwest), Petitioner's predecessor in interest, by authorizing Petitioner to convert the direct sale and delivery of natural gas to Oregon-Portland Cement Co. (Oregon-Portland) to a resale service in conjunction with Cascade Natural Gas Corp. (Cascade), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Pursuant to the aforementioned order of June 18, 1954, as amended, Pacific Northwest was authorized to construct and operate certain facilities necessary for the direct sale and delivery of natural gas to Oregon-Portland for industrial use. The sale and delivery of natural gas to Oregon-Portland are currently made by Petitioner pursuant to an agreement between it and Oregon-Portland.

Petitioner now proposes to change the aforementioned direct sale service to a resale service. Petitioner will sell and deliver the gas to Cascade which, in turn, will resell it to Oregon-Portland. In order to effectuate the proposed change in service, Petitioner specifically seeks to have amended the order of June 18, 1954 so as to authorize the sale and delivery of natural gas to Cascade for resale to Oregon-Portland and the operation of those facilities necessary therefor which were heretofore constructed and operated to provide natural gas to Oregon-Portland on a direct basis.

The petition to amend states that Petitioner and Cascade have agreed to a contract demand deliverable by Petitioner to Cascade for resale to Oregon-Portland of 50,000 therms per day under Petitioner's Rate Schedule DI-1, FPC Gas Tariff, Original Volume No. 3.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 1, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-12449; Filed, Oct. 14, 1968; 8:45 a.m.]

[Docket No. CP69-68]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 7, 1968.

Take notice that on October 1, 1968, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-88 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for the sale and delivery of natural gas to Cascade Natural Gas Corp. (Cascade), to permit Cascade to serve a new market area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 10.5 miles of 6⅝ O.D. lateral pipeline and two measuring and regulating stations at separate locations in order to establish new delivery points to Cascade so that Applicant may sell and deliver natural gas from its 26-inch Ignacio-to-Sumas transmission pipeline to Cascade for resale in the new distribution areas of Stanwood and Oak Harbor, Wash., and environs. Applicant states that the proposed sales and deliveries will provide Cascade with long-term natural gas supplies necessary to enable them to satisfy the requirements of consumers located in these areas where, heretofore, natural gas has not been available.

The total estimated cost of Applicant's proposed facilities is $380,620, which will be financed by working capital, supplemented as necessary by short-term loans.

The estimated peak day and annual natural gas requirements of Cascade during the third full year of the proposed service are 3,088 Mcf of gas and 570,180 Mcf of gas, respectively. El Paso's proposed sales and deliveries to Cascade will be initiated on both a firm and an interruptible basis in accordance with and at rates contained in El Paso's Rate Schedules DI-1, S-1, and I-1, FPC Gas Tariff, Original Volume No. 3.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 4, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-12472; Filed, Oct. 14, 1968; 8:46 a.m.]

[Docket No. G-4141 etc.]

GULF OIL CORP. ET AL.

Findings and Order; Correction

OCTOBER 3, 1968.

Gulf Oil Corp. and other Applicants listed herein, Docket No. G-4141 et al.; Shell Oil Co., Docket No. CI68-1271.

In findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued August 6, 1968, and published in the FEDERAL REGISTER August 14, 1968 (F.R. Doc. 68-9614), 33 F.R. 11566, Docket No. G-4141 et al., change paragraph (d) to read as follows: "The initial rate for sales authorized in Dockets Nos. CI67-1104, CI68-62, CI68-1259, and CI68-1271 (Roger Mills County gas) shall be 15.0 cents per Mcf at 14.65 p.s.i.a. and in Docket No. CI68-1271 (Ellis County gas) shall be 17.0 cents per Mcf at 14.65 p.s.i.a., both rates including tax reimbursement and subject to B.t.u. adjustment as provided for in the contracts; however,".

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-12450; Filed, Oct. 14, 1968; 8:45 a.m.]

[Docket No. CP68-118]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

OCTOBER 7, 1968.

Take notice that on September 30, 1968, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in

Docket No. CP68–118 a petition to amend the order of the Commission issued in the said docket on December 21, 1967, to permit Petitioner to make a total expenditure of $3 million instead of the $2 million originally authorized for the purpose of connecting, pursuant to the Commission's budget procedure prescribed in § 157.7(b) of the Commission's regulations under the Natural Gas Act, new supplies of gas to its system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it has expended or committed to expend $1,100,000 of the $2 million authorized in the order of December 21, 1967, and is at this time negotiating for, or contemplates negotiating for, the purchase of additional volumes of natural gas from producers. Petitioner further states that the added projects can be kept within the single project limitation of the order of December 21, 1967 ($500,000), but that the added projects would exceed the total limitation of $2 million. For these reasons, Petitioner requests that the total amount which it can spend in Docket No. CP68–118 be raised from $2 million to $3 million.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 4, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–12469; Filed, Oct. 14, 1968; 8:46 a.m.]

[Docket No. G–2793 etc.]

SINCLAIR OIL CORP.

Notice of Petition To Amend

OCTOBER 8, 1968.

Take notice that on September 9, 1968, Sinclair Oil Corp. (Petitioner), Post Office Box 521, Tulsa, Okla. 74102, filed in Docket No. G–2793 et al., a petition to amend the orders issuing certificates of public convenience and necessity to Sinclair Oil & Gas Co. pursuant to section 7(c) of the Natural Gas Act by substituting Petitioner in lieu of Sinclair Oil & Gas Co. as certificate holder, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that Petitioner will merge its subsidiary, Sinclair Oil & Gas Co., effective as of the close of business September 30, 1968, as part of a reorganization of its corporate structure and will continue without change all sales of natural gas theretofore authorized to be made by Sinclair Oil & Gas Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 30, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–12470; Filed, Oct. 14, 1968; 8:46 a.m.]

[Docket No. CP68–78]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Amendment to Application

OCTOBER 7, 1968.

Take notice that on October 1, 1968, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP68–78 an amendment to its application filed on September 8, 1967, in said docket requesting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas transportation facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By its initial application filed in the instant docket, Applicant requested authorization to construct and operate two interconnections between its 30-inch main transmission line and an adjacent 16-inch pipeline belonging to an existing customer, Public Service Electric and Gas Co. (Public Service). Such interconnections consist of a 12-inch tap and monitor regulation at Mile Post 1816.53 and meter regulation station and appurtenant equipment at Mile Post 1818.27, all on Petitioner's main transmission line located in Essex County, N.J. By letter order dated October 4, 1967, the Commission issued a temporary certificate authorizing Applicant to construct and operate such facilities for the transportation of natural gas.

The subject facilities were required to permit Applicant to transport gas for Public Service in order to alleviate a disruption on Public Service's system brought about when an urban renewal project in the area forced the removal from service of a portion of the 16-inch Public Service line. This project has now progressed to the point where the line previously removed from service has been reactivated and the transportation service is no longer performed by Applicant.

Applicant seeks authorization to operate on a permanent basis the facilities at Mile Post 1816.53. Applicant states that these facilities will be retained in place for possible further use in the event of an emergency on Public Service's system which could be alleviated by reactivation of such facilities. The authorized facilities constructed at Mile Post 1818.27 have been physically disconnected. The Applicant proposes no new construction in the instant amendment and there will be no additional costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 4, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68–12471; Filed, Oct. 14, 1968; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–2968—7–2971]

BUNKER-RAMO CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 9, 1968.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
The Bunker-Ramo Corp.	7–2968
Consumers Power Co. (Michigan)	7–2969
INA Corp.	7–2970
Indiana General Corp. (Delaware)	7–2971

Upon receipt of a request, on or before October 24, 1968, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commisison, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68–12483; Filed, Oct. 14, 1968; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

DISTRIBUTION SERVICES INVESTMENT CORP.

Notice of Application for License as Small Business Investment Corporation

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuand to § 107.102 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) under the name of Distribution Services Investment Corp. (a Delaware corporation), with its principal office at 1725 K Street N.W., Washington, D.C. 20006, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended. (15 U.S.C. 661 et seq.).

The company will be a wholly owned subsidiary of Distribution Services, Inc. (a District of Columbia corporation), 1725 K Street NW., Washington, D.C. 20006, with a proposed initial capitalization of $350,000. Distribution Services, Inc., is owned by 24 shareholders, each owning less than 5 percent. With two exceptions, all shareholders are well-established wholesale drug companies. The company proposes to concentrate its aid in the development of locally owned pharmacies in the areas that it serves by making long term loans to finance the purchases of opening inventories from such wholesale drug firms.

The proposed officers and directors are as follows:

Paul L. Courtney, 8621 Irvington Avenue, Bethesda, Md. 20034, president, treasurer, and director.

Edward T. Tait, 26 Kalorama Circle NW., Washington, D.C. 20008, secretary, and director.

William D. Matthews, 5900 Ramsgate Road, Washington, D.C. 20016, assistant secretary.

William C. McCamant, 6123 Ramshorn Drive, McLean, Va. 22101, assistant treasurer.

Robert E. Long, 6522 Walhounding Road, Washington, D.C. 20016, director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Prior to final action on the application, consideration will be given to any comments pertaining thereto which are submitted in writing, to the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of ten (10) days of the date of publication of this notice.

A copy of this notice shall be published in a newspaper of general circulation in Washington, D.C.

Dated: October 1, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-12482; Filed, Oct. 14, 1968; 8:47 a.m.]

INVESTOR'S EQUITY, INC.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On September 18, 1968, a notice of application for transfer of control was published in the FEDERAL REGISTER (33 F.R. 14143) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Investor's Equity, Inc., License No. 05/05-0018, 222 Fulton Federal Building, 11 Pryor Street SW., Atlanta, Ga. 30303, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C., 661 et seq.).

Interested persons were given until the close of business September 27, 1968, to submit to SBA their written comments. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Investor's Equity, Inc.

Issued in Washington, D.C., on October 7, 1968.

GLENN R. BROWN,
Associate Administrator for Investment.

[F.R. Doc. 68-12480; Filed, Oct. 14, 1968; 8:47 a.m.]

[Declaration of Disaster Loan Area 683]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the village of Bondsville, in the town of Palmer, in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid village, suffered damage or destruction resulting from fire followed by explosions occurring on October 4, 1968.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy, Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to April 30, 1969.

Dated: October 7, 1968.

HOWARD J. SAMUELS,
Administrator.

[F.R. Doc. 68-12481; Filed, Oct. 14, 1968; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

Fourth Section Applications for Relief

OCTOBER 9, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41465—*Soda ash to specified points in Illinois.* Filed by Western Trunk Line Committee, agent (No. A-2566), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk or in bulk in bags, barrels, boxes or pails, minimum weight 80,000 pounds, in carloads, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in Illinois.

Grounds for relief—Market competition.

FSA No. 41466—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 618), for interested rail carriers. Rates on canned or preserved foodstuffs, and other commodities named in the application, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 82 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41467—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 619), for interested rail carriers. Rates on canned or preserved foodstuffs, and other commodities named in the application, from, to and between points in

Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 82 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-12454; Filed, Oct. 14, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 10, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41468—*Soda ash to Nashville, Tenn.* Filed by O. W. South, Jr., agent (No. A6058), for interested rail carriers. Rates on sodium (soda) ash, in bulk, in covered hopper cars, in carloads, from Baton Rouge and North Baton Rouge, La., to Nashville, Tenn.

Grounds for relief—Carrier competition.

Tariff—Supplement 72 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-12489; Filed, Oct. 14, 1968; 8:47 a.m.]

[Notice 708]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 9, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50069 (Sub-No. 410 TA), filed October 4, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack Gollan (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal tar pitch emulsion,* in bulk, in tank vehicles, from Wooster, Ohio, and points within 5 miles thereof, to points in Indiana, Illinois, Michigan, and Wisconsin, for 180 days. Supporting shipper: Cosmicoat, Inc., 3400 Cleveland Road, Wooster, Ohio 44691. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 50069 (Sub-No. 411 TA), filed October 4, 1968. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack Gollan (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils and greases,* in bulk, in tank vehicles, from Woodhaven, Mich., to points in Pennsylvania and to Ashland, Ky., for 180 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 118939 (Sub-No. 1 TA), filed October 7, 1968. Applicant: JOHN F. STEHLE AND EVA M. STEHLE, doing business as OREGON CHIPS COMPANY, 935 East 13th Street, Albany, Oreg. 97321. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: Wood chips or shavings, from Chelatchie Prairie, Wash., to Albany, Ore., for 180 days. Supporting shippers: International Paper Co., Box 67, Amboy, Wash. 98601; Duraflake Co., Post Office Box 428, Albany, Oreg. 97321. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 125871 (Sub-No. 3 TA), filed October 7, 1968. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wilton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumawa, Iowa 52501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Animal feed, premixed feed, feed additives, and animal health additives,* from Cedar Rapids, Iowa, to points in Alabama, Colorado, Georgia, Oklahoma, and Virginia, for 180 days. Supporting shippers: Vigortone Products Co., Cedar Rapids, Iowa; Diamond Mills, Inc., 436 G Avenue NW., Post Office Box 4408, Cedar Rapids, Iowa 52407. Cedar Rapids Molasses Processing Co., 96 B Avenue NE., Cedar Rapids, Iowa. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 127451 (Sub-No. 3 TA), filed October 4, 1968. Applicant: A. G. GAVIN, E. P. GAVIN, AND R. G. PEEL, doing business as PEEL AND GAVIN TRUCKING CO., 6057 Braemar Street, Burnaby, British Columbia, Canada. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, poles, and piling,* between points on international boundary at Blaine, Lynden, or Sumas and points in Whatcom, Skagit, Snohomish, Lewis, Cowlitz, King, Pierce, Thurston, and Clark Counties, Wash., and Portland, Oreg., for 180 days. Supporting shippers: Kitsilano Marine & Lumber, Ltd., 1500 West Second Avenue., Vancouver 9, British Columbia; International Forest Products, Ltd., 815 West Hastings Street, Vancouver 1, British Columbia; Mauk Lumber Products, Inc., Post Office Box 9217, Seattle, Wash. 98109; B. C. Wedge Co., Ltd., 400 Ewen Avenue, New Westminster, British Columbia. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128205 (Sub-No. 8 TA), filed October 4, 1968. Applicant: BULK-MATIC TRANSPORT COMPANY, 4141 West George Street, Schiller Park, Ill. 60176. Applicant's representative: Irving Stillerman, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lime,* in bulk, in tank vehicles, for spreading purposes, from plantsites of Marblehead Lime Co. at or near Thornton, Ill., and Chicago, Ill., to points in Lafayette, Iowa, Green, Dane, Jefferson, Rock, Walworth, Waukesha, Milwaukee, Racine, and Kenosha Counties, Wis., for 180 days. Supporting shipper: Marblehead Lime Co., a subsidiary of General Dynamics Corp., 300 West Washington Street, Chicago, Ill. 60606. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 133126 (Sub-No. 1 TA), filed October 4, 1968. Applicant: JOE A. MILLER TRANSPORT, 2202 44 Street SE., Calgary, Alberta, Canada. Applicant's representative: J. F. Meglen, 2822 Third Avenue North, Billings, Mont. 59101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Brick and tile* and

brick and tile products, from the port of entry at or near Sweetgrass, Mont., on the international boundary line between the United States and Canada, to Great Falls and Billings, Mont., for 180 days. Supporting shipper: Medicine Hat Brick & Tile Co., Ltd., Post Office Box 70, Medicine Hat, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133148 (Sub-No. 1 TA), filed October 4, 1968. Applicant: SAN LUIS GARBAGE COMPANY, doing business as RIZZOLI CATTANEO TRUCKING CO., 970 Monterey Street, San Luis Obispo, Calif. 93401. Applicant's representative: Eldon M. Johnson, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from San Luis Obispo, Calif., to the plantsite of the Pacific Gas & Electric Co., Diablo Canyon, Calif., on traffic having a prior movement by rail, for 180 days. Supporting shipper: Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif. 94106. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 133175 (Sub-No. 1 TA) (Correction), filed September 25, 1968, published FEDERAL REGISTER, Notice No. 701 and republished as corrected this issue. Applicant: METALS TRANSPORT CO., 1140 Poland Avenue, Youngstown, Ohio 44502. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Steel buildings, building sections, panels, materials, parts, and accessories,* from Niles and Youngstown, Ohio, to St. Louis, Mo., and points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. NOTE: The purposes of this republication is to include States of Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, inadvertently omitted from previous publication. Supporting shipper: Republic Steel Corp., Manufacturing Division, Youngstown, Ohio 44505. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 133211 TA, filed October 4, 1968. Applicant: JERSEY FURNITURE WAREHOUSE & TRUCKING CORP., 46–01 Dell Avenue, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Furniture,* from the warehouse facilities of Arbed Co. at North Bergen, N.J., to points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., points in New Jersey and Connecticut, for 180 days. Supporting shipper: Arbed Co., Inc., 4601 Dell Avenue, North Bergen, N.J. 07047, Arnold Hirsch, Vice President. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 133222 TA, October 7, 1968. Applicant: IRENE J. HARROLD, doing business as ROYAL VAN AND STORAGE, 1153 Commercial Avenue, Oxnard, Calif. 93030. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* between points in Los Angeles, Santa Barbara, and Ventura Counties, Calif., for 180 days. Supporting shipper: Lyon Van & Storage Co., Household Shipping Division, 1950 South Vermont Avenue, Los Angeles, Calif. 90007. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68–12455; Filed, Oct. 14, 1968; 8:45 a.m.]

[Notice 709]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 10, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22301 (Sub-No. 11 TA), filed October 4, 1968. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1619 11th Street, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Elk Grove Village, Ill., as an off route point to applicant's presently held regular-route authority between above points and Chicago, Ill., for 180 days. NOTE: Applicant intends to tack MC–22301 at Chicago, Ill., and interline at Sioux City, Iowa, and Omaha, Nebr. Supporting shippers: There are approximately (9) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 38541 (Sub-No. 24 TA), filed October 4, 1968. Applicant: WHITE MOTOR EXPRESS, INCORPORATED, 721 South Third Street, Nashville, Tenn. 37206. Applicant's representative: Richard D. Gleaves, 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (with usual exceptions and except finished automobiles and trucks), serving the Ford Motor Co. plantsite at the intersection of Westport Road and Murphy Lane, in Jefferson County, near Louisville, Ky., as an off-route point in connection with presently authorized routes, for 180 days. NOTE: Applicant intends to tack MC–38541, and interline at Louisville, Ky., and Nashville, Tenn. Supporting shipper: Ford Motor Co., Dearborn, Mich. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 113678 (Sub-No. 326 TA) (Amendment), filed September 18, 1968, published FEDERAL REGISTER issue of September 26, 1968, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Those commodities normally used by and dealt in by restaurants and restaurant supply houses, and foodstuffs,* from Denver, Colo., and points in the commercial zone thereof, to points in Oklahoma, Texas, and Alabama, for 150 days. NOTE: The purpose of this republication is to show the territory, as

amended, proposed to be served. Supporting shippers: Foster Frosty Foods, 1421 Onieda, Denver, Colo. 80220; National Marketing and Leasing Corp. (NM&L) and M/S Development, Inc. (M/S), 890 Federal Boulevard, Denver, Colo. 80219; Waters Distributing Co., 2636 Walnut Street, Denver, Colo. 80219; Puritan Pie Co., 2800 Walnut Street, Denver, Colo. 80219; World Foods Corp., Post Office Box 11188, Highland Station, Denver, Colo. 80211; Mapelli Brothers, 1624 Market Street, Denver, Colo. 80202. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 113678 (Sub-No. 328 TA), filed October 4, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, 1201 J Street, Century House, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses (except hides and commodities in bulk in tank or hopper-type vehicles) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from John Morrell & Co. plantsite at Ottumwa, Iowa, to points in Ohio, Pennsylvania, Michigan, New York, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, West Virginia, Virginia, New Jersey, and Delaware, for 180 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa 52501. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115669 (Sub-No. 96 TA), October 4, 1968. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags, from the shipping facilities operated for or by the American Cyanamid Co., at Sioux Falls, S. Dak., to points in Minnesota, Nebraska, and North Dakota, for 150 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540. Send protests to: District Supervisor Max H. Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 116935 (Sub-No. 5 TA), filed October 4, 1968. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 1000 Belleville Turnpike, Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in containers, from Kearny, N.J., to points in New York, N.Y., Nassau, Suffolk, Orange, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn., for 150 days. Supporting shipper: Hamilton Manufacturing Co., Two Rivers, Wis. 54241, William J. Poulos, Traffic Manager. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

No. MC 119990 (Sub-No. 7 TA), filed October 4, 1968. Applicant: MERCHANTS DELIVERY CO., 1212 East 19th Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Kansas, Missouri, Oklahoma, and Nebraska, in that area bounded by a line beginning at the intersection of U.S. Highways 21 and 81, thence southerly over U.S. Highway 81, to its junction with U.S. Highway 30, thence southwesterly along U.S. Highway 30, to its junction with U.S. Highway 281, thence southerly over U.S. Highway 281 to its intersection with the Nebraska-Kansas State line, thence east along the Nebraska-Kansas State line to its intersection with U.S. Highway 77, thence southerly over U.S. Highway 77 to its intersection with the Kansas-Oklahoma State line, thence east along the Kansas-Oklahoma State line to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the Oklahoma-Missouri State line, thence along the Oklahoma-Missouri State line to its intersection with the Arkansas State line, thence along the Missouri-Arkansas State line to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to its intersection with the Iowa-Missouri State line, thence along the Iowa line, thence along the Oklahoma-Missouri State line to its intersection with the Arkansas State line, thence along the Missouri-Arkansas State line to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to its intersection with the Iowa-Missouri State line, thence along the Iowa-Missouri State line to its intersection with the Nebraska State line, thence along the Iowa-Nebraska State line to its intersection with U.S. Highway 20, thence westerly over U.S. Highway 20 to its junction with U.S. Highway 81, the point of beginning, and points on or within 8 miles of the above specified highways and State lines. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 100 pounds. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 200 pounds, from any one consignor to any one consignee on any 1 day. (3) No pick-up or delivery service shall be provided to any person who has an existing contract with Merchants Contract Deliveries, Inc., pursuant to permits issued to it by the Commission, for 180 days. NOTE: Applicant proposes to interline at Coffeyville, Kans.; Omaha, Nebr.; and Kansas City, Mo. Supporting shippers: There are approximately (66) statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133198 (Sub-No. 1 TA), filed October 4, 1968. Applicant: WILLARD NELSON, doing business as NELSON TRUCK LINE, Post Office Box 192, 336 West Lincoln, Clay Center, Kans. 67432. Applicant's representative: Leland M. Spurgeon, Casson Building, 603 Topeka Avenue, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities used by packinghouses*, from St. Joseph, Mo., to points in Wyandotte, Shawnee, Wabaunsee, Pottawatomie, Riley, Geary, Dickinson, Clay, Washington, Republic, Cloud, Ottawa, Mitchell, and Jewell Counties, Kans., for 150 days. Supporting shipper: Swift & Co., South St. Joseph, Mo. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12486; Filed, Oct. 14, 1968; 8:47 a.m.]

[Notice 226]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 10, 1968.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer rules, 49 CFR Part 1132:

No. MC-F-70856. By application filed October 8, 1968, C-LINE EXPRESS, 525 Silverado Trail, Napa, Calif., seeks temporary authority to lease the operating rights of ROBERT L. HUGHES, doing business as STAPEL TRUCK LINES, INC., 1537 Webster Street, Oakland, Calif. 94612, under section 210a(b). The transfer to C-LINE EXPRESS of the operating rights of ROBERT L. HUGHES, doing business as STAPEL TRUCK LINES, INC., is presently pending.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-12487; Filed, Oct. 14, 1968; 8:47 a.m.]

[Notice 227]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 10, 1968.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–70785. By order of October 8, 1968, the Transfer Board approved the transfer to Briganti Transport, a corporation, 2455 East 27th Street, Vernon, Calif. 90058; of certificate in No. MC–59230, issued October 28, 1943, to H. G. Chaffee Co., a corporation, 912 East Third Street, Los Angeles, Calif. 90013, authorizing the transportation of: General commodities, with the usual exceptions: Between Los Angeles, Vernon, Huntington, Huntington Park, and Compton, Calif., on the one hand, and, on the other, Los Angeles Harbor and Long Beach, Calif.

No. MC–FC–70813. By order of October 8, 1968, the Transfer Board approved the transfer to S. M. Cook Travel Service, Inc., 2702 First Avenue North, Billings, Mont. 59103, of License No. MC–12826, issued October 31, 1963, to James H. Bourne, doing business as S. M. Cook Travel Service, 2702 First Avenue North, Billings, Mont., 59103, authorizing brokerage operations at Billings, Mont., in arranging motor carrier transportation for passengers and their baggage between points in the United States.

No. MC–FC–70818. By order of October 8, 1968, the Transfer Board approved the transfer to Wm. Perry Trucking, Inc., Braintree, Mass., of the operating rights in certificate No. MC–76818 issued August 26, 1957, to William J. Perry, Braintree, Mass., authorizing the transportation, over irregular routes, of building materials, wooden, from Quincy and Boston, Mass., to Winsted, Danbury, Cornwall, Stafford Springs, Torrington, and Barkhamsted, Conn.; from Portsmouth and Providence, R.I., to Boston, Taunton, Billerica, Fitchburg, New Bedford, Wellesley, Malden, and Quincy, Mass.; from Quincy, Mass., to Greene, R.I.; and between points in Massachusetts within 50 miles of Boston, Mass., including Boston. Robert I. Deutsch, 141 Milk Street, Boston, Mass. 02109, attorney for applicants.

No. MC–FC–70850. By order of October 8, 1968, the Transfer Board approved the transfer to Anderson Trucking Company of Asheville, N.C., doing business as Anderson Transfer Co., Asheville, N.C., of the operating rights in certificate No. MC–4978 issued June 22, 1959, to Ava E. Anderson, doing business as Anderson Transfer Co., Asheville, N.C., authorizing the transportation of various commodities of a general commodity nature, between points in Virginia, North Carolina, Florida, Tennessee, Kentucky, South Carolina, Georgia, Indiana, Maryland, Pennsylvania, Ohio, and the District of Columbia. John R. Sims, Jr., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–12488; Filed, Oct. 14, 1968; 8:47 a.m.]

[No. 35018]

ARKANSAS

Intrastate Freight Rates and Charges

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 1st day of October 1968.

By petition filed on July 17, 1968, common carriers by railroad operating within the State of Arkansas aver that the Arkansas Commerce Commission has refused to authorize or permit increases in rates and charges corresponding to those authorized by this Commission in Ex Parte No. 256, "Increased Freight Rates," 1967, 332 ICC 280, 329 ICC 854, and that the Arkansas Commerce Commission has also refused to authorize or permit increases in switching charges for intrastate application corresponding to those authorized by this Commission's Special Permission Board in Special Permission Docket No. 39013. A reply thereto was filed on August 22, 1968, by the Arkansas Industrial Development Commission.

It appearing, that the refusal of the Arkansas Commerce Commission to authorize the aforesaid increases on intrastate rates and charges might create an undue prejudice and preference as between interstate and intrastate commerce;

Wherefore and for good cause appearing:

It is ordered, That an investigation into the necessity of imposing such added rates and charges on intrastate traffic be, and it is hereby, instituted pursuant to section 13 of the Interstate Commerce Act; and that all common carriers by railroad operating within the State of Arkansas be, and they are hereby, made respondents to this proceeding.

It is further ordered, That a copy of this order be served upon each of the said respondents and upon the Arkansas Industrial Development Commission; that the State of Arkansas be notified of the proceeding by sending a copy of this order by certified mail to the Governor of the State of Arkansas, Little Rock, Ark., and a copy to the Arkansas Commerce Commission, Little Rock, Ark.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be handled under the modified procedure; and that the filing and service of pleadings be as follows: (a) Opening statement of facts and argument by the petitioners, and any party supporting the petitioners, on or before November 5, 1968; (b) 30 days after that date, statement of facts and argument by any party in opposition; and (c) 10 days thereafter, reply by the petitioners and any supporting party.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68–12490; Filed, Oct. 14, 1968; 8:48 a.m.]

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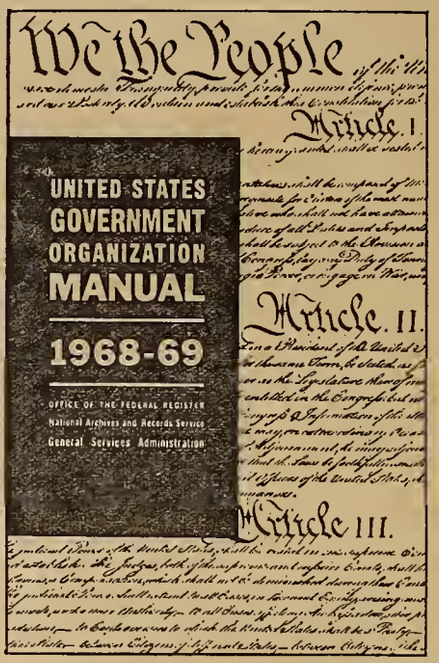

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